

1 CAUSE NO. 05CV0337  
2 MIGUEL ARENAZAS, ELIZABETH) IN THE DISTRICT COURT  
RAMON, DAVID G. CROW and )  
3 JUANITA G. CROW, et al. )  
) )  
4 VS. ) 212TH JUDICIAL DISTRICT  
) )  
5 BP PRODUCTS NORTH AMERICA )  
INC., B.P. CORPORATION )  
6 NORTH AMERICA INC., DON )  
PARUS, AND JE MERIT )  
7 CONSTRUCTORS, INC. ) GALVESTON COUNTY, TEXAS

8  
9 CAUSE NO. 05CV0337-A  
10 IN RE: BP AMOCO EXPLOSION ) IN THE DISTRICT COURT  
MARCH 23, 2005 )  
11 COORDINATED DISCOVERY ) 212TH JUDICIAL DISTRICT  
PROCEEDINGS )  
12 ) GALVESTON COUNTY, TEXAS

13  
14  
15 \*\*\*\*\*

16 ORAL VIDEOTAPED DEPOSITION OF  
17 COLIN MACLEAN  
18 SEPTEMBER 12, 2006

19 \*\*\*\*\*  
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25

Page 2

1  
2 ORAL VIDEOTAPED DEPOSITION OF COLIN MACLEAN,  
3 produced as a witness at the instance of the  
4 Plaintiffs and duly sworn, was taken in the  
5 above-styled and numbered cause on September 12,  
6 2006, from 8:59 a.m. to 3:01 p.m., before Stephanie  
7 Barringer, Certified Shorthand Reporter in and for  
8 the State of Texas, reported by stenographic means at  
9 the offices of Fulbright & Jaworski, 1301 McKinney,  
10 Suite 5100, Houston, Texas, pursuant to the Texas  
11 Rules of Civil Procedure and the provisions stated on  
12 the record or attached hereto.  
13 Since this deposition has been realtimed and you  
14 may be in possession of a rough draft form, please be  
15 aware that there may be a discrepancy regarding page  
16 and line numbers when comparing the realtime draft  
17 and the final transcript. Also, please be aware that  
18 the realtime screen and the unedited, uncertified  
19 rough draft transcript may contain untranslated  
20 steno, a misspelled proper name and/or nonsensical  
21 English word combinations. All such entries are  
22 corrected in the final certified transcript.  
23  
24  
25

Page 3

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Page 4

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Page 6

1 INDEX

2

3

4 PAGE

5 COLIN MACLEAN

6 Examination by Mr. Coon ..... 9

7 Examination by Mr. Buzbee ..... 123

8 Further Examination by Mr. Coon ..... 161

9 Examination by Mr. Bond ..... 256

10 Examination by Mr. Linebaugh ..... 290

11 Examination by Mr. Cansler ..... 299

12 Signature Page ..... 301

13 Court Reporter's Certificate ..... 303

14

15 EXHIBITS

16 (Continued)

17 EXHIBIT DESCRIPTION PAGE

18 776 Plaintiffs' Notice of 9

19 Intention to take the

20 Oral and Videotaped

21 Deposition of Colin Maclean

22

23 777 Behavioral Safety Culture 81

24 Assessment Report, Whiting

25 Business Unit BP North

America Refining prepared by

Dee Tinley-Strong,

BPISOM00225339 through

BPISOM00225380

Page 7

1 EXHIBITS

2 (Continued)

3

4 EXHIBIT DESCRIPTION PAGE

5 778 Email string from Kathleen 290

6 Lucas dated 3/23/05, Subject:

7 RE: Hello, BPISOME00118432

8 and BPISOME00118433

9

10 779 JMW Organizational Report, 300

11 BPISOM00444140 through

12 BPISOM00444184

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Page 8

1 THE VIDEOGRAPHER: This is Tape 1.

2 Going on record at 8:59.

3 (Witness sworn.)

4 MR. COON: All right. Taking it

5 pursuant to the Rules, same objections, typical

6 deal?

7 MR. BROWN: Sure. Under the

8 Rules.

9 MR. COON: The same agreement with

10 respect to signature, we -- I'm assuming

11 Mr. Maclean will read and sign?

12 MR. BROWN: Yes.

13 MR. COON: Can we have an

14 agreement if we don't have the signed copy by the

15 time of trial, a substitute may be utilized?

16 MR. BROWN: Yes, per the Rules.

17 MR. BOND: Well, "per the Rules"

18 is basically if he doesn't read it and sign within

19 20 days, we can't use it. I mean...

20 MR. BROWN: Okay. If he doesn't

21 read and sign before it's used. Okay.

22 MR. COON: There it is.

23 MR. BOND: I figured that's what

24 you meant.

25 MR. BROWN: Sure.

Page 9

1 (Exhibit Number 776 marked for

2 identification.)

3 MR. COON: Okay. Before we

4 proceed, I'm going to attach 776 to the record,

5 which is just a notice to the deposition.

6 Are you ready to proceed, Counsel?

7 MR. BROWN: Yes, we are.

8 COLIN MACLEAN,

9 having been first duly sworn, testified as follows:

10

11 EXAMINATION

12 Q. (BY MR. COON) Good morning, sir.

13 Could I have you introduce

14 yourself to the ladies and gentlemen of the jury by

15 stating your name, address and occupation, please,

16 sir?

17 A. My name is Colin Maclean; and I am

18 located at the BP Texas City refinery in

19 Texas City, Texas. My job is business unit leader

20 of the Texas City site.

21 Q. Mr. Maclean, my name is Brent Coon. And

22 I am the liaison for the plaintiff steering

23 committee in this case; and I also represent a

24 number of individuals who were injured or killed in

25 the tragedy of March 23rd, 2005.

<p style="text-align: right;">Page 10</p> <p>1 We have come to BP's counsels'  2 office here in Houston today to take your  3 deposition. And I understand that you have been  4 served with a notice to attend today and have had  5 an opportunity to talk to BP's counsel with respect  6 to coming here today and generally what it's about.  7 Is that a fair statement?  8 A. Yes.  9 Q. We're going to ask you a number of  10 questions today concerning this matter. And you  11 have counsel here with you who -- who can -- you  12 can meet with. If you want to take a break, you  13 can go out and talk with them; but I've got a  14 feeling you've already been through the drill and  15 kind of know what's going on.  16 A. This is my first deposition.  17 Q. First time ever?  18 A. Uh-huh.  19 Q. Okay. I take it you know you're under  20 oath, the same as if you were testifying in front  21 of the jury, although they're not here today?  22 A. Yes.  23 Q. And that in the event you do not show up  24 at trial for one reason or the other, the jury may  25 be watching some excerpts of your videotape</p>	<p style="text-align: right;">Page 12</p> <p>1 prepared for you to get you ready for the  2 deposition today?  3 A. Nothing.  4 Q. Are there documents that are relevant to  5 these proceedings, specific to the explosion, that  6 you've read at some point over the last year to  7 help prepare you for your testimony today? That  8 would include the OSHA reports, CSB reports, any of  9 the investigations done by federal or state  10 agencies, some of your internal investigations that  11 may have taken place, anything of that nature?  12 MR. BROWN: Objection, form.  13 Q. (BY MR. COON) You may answer.  14 MR. BROWN: Go ahead and answer.  15 A. The two reports that I have used a lot to  16 shape the future of Texas City are the Mogford  17 report and the Stanley report, and these are the  18 two key documents --  19 Q. (BY MR. COON) Okay. The Mogford  20 report --  21 A. -- that have helped me shape the strategy  22 for the future of Texas City.  23 Q. And the Mogford report being the final  24 version of the December, 2005 report?  25 A. Correct.</p>
<p style="text-align: right;">Page 11</p> <p>1 testimony today at the time of trial?  2 A. Yes.  3 Q. And I believe you understand that case is  4 set for trial next week?  5 A. Yeah.  6 Q. Do you know one way or the other as to  7 whether or not you plan on attending?  8 A. I have no plans at the moment. I -- I  9 will be cooperating with the Court.  10 Q. And, Mr. Maclean, you understand you have  11 an opportunity and right to have personal counsel  12 here, as -- as well as your employer's counsel. Do  13 you --  14 A. Yes, I do.  15 Q. -- understand that?  16 And you chose to waive that right,  17 I take it?  18 A. Yes.  19 Q. You also have a right to assert  20 Fifth Amendment privileges.  21 And I take it by being here today,  22 you have no plans to take the Fifth with respect to  23 anything?  24 A. No.  25 Q. Did you read anything or have anything</p>	<p style="text-align: right;">Page 13</p> <p>1 Q. And the Stanley audit being the one  2 conducted in the summer of '05 regarding some  3 internal assessments --  4 A. Correct.  5 Q. -- of operations?  6 The one done by James Stanley, I  7 believe?  8 A. Yes.  9 Q. Anything else that you've read over the  10 last year and a half that relates to this incident  11 that would just be something that you at least know  12 is out there?  13 A. Well --  14 MR. BROWN: Objection, form.  15 Q. (BY MR. COON) You know, for instance,  16 have you read the CSB report?  17 A. Yes.  18 Q. The interim report?  19 Have you read the OSHA report?  20 A. Neither of those reports are final.  21 I'm -- I'm aware of their existence; but I would  22 say, again, the reports that direct my actions are  23 the Mogford and Stanley reports.  24 Q. Have you read any of the depositions that  25 have been given by any of the other witnesses in</p>

<p style="text-align: right;">Page 14</p> <p>1 this case or summaries of their depositions?  2 A. No.  3 Q. Have you read any statements that was  4 given by any individual in this matter as part of  5 any of the investigations?  6 A. No.  7 Q. Have you given any statements to either  8 BP or outside agencies as part of this  9 investigation?  10 A. No.  11 Q. Mr. Maclean, we don't have a resumé of  12 you here, sir. Do you have one?  13 A. I don't have one currently. I can tell  14 you who I am and what I've been doing.  15 Q. Well, I would hope. So I tell you what,  16 why don't we start there?  17 If you would give us some  18 background with respect to the education you've  19 received --  20 A. Yeah.  21 Q. -- in your years in your career?  22 A. Sure. I completed university education  23 in 1969 and I graduated as -- with an honors degree  24 in geology, whereupon I joined BP.  25 And from the years 1969 through</p>	<p style="text-align: right;">Page 16</p> <p>1 production in -- in '96 and based myself in a  2 refinery in Australia called Bulwer Island in  3 Brisbane, Queensland, where I took a rather small  4 refinery and invested in it to make it a  5 strategically important Clean Fuels refinery in  6 Australasia.  7 And the merger with Amoco came in  8 1998; and I was requested to go to Whiting,  9 Indiana, which was Amoco's hometown refinery, and  10 do a couple of things. First of all, run the  11 Whiting refinery business as the business unit  12 leader, but also to bring BP organizational  13 practices and -- and business practices into the  14 newly merged company, which was then called  15 BP Amoco.  16 In order to do that, I was the --  17 called the -- the convener of a few -- well, five  18 or six regional refineries related by size or  19 business type. And we brought the business unit  20 model into Amoco at that time.  21 I spent two and a half years in --  22 in Whiting, Indiana and then was requested by the  23 then head of R&amp;M, refining and marketing, Doug  24 Ford, to go to Grangemouth, where there had been  25 some issues to be resolved around plant operation,</p>
<p style="text-align: right;">Page 15</p> <p>1 '83, I worked as an exploration geologist and a  2 production geologist, reaching supervisory level.  3 Those activities took me around many countries,  4 including South America, Australia, Papua,  5 New Guinea, Middle East, Iran, UK.  6 And in 1983, I chose to leave BP  7 and join another oil company called Britoil, which  8 was based in Glasgow, Scotland, basically for  9 reasons of stabilizing my family. I had been  10 traveling quite a lot.  11 And I remained with that company  12 until I reached the position of head of petroleum  13 engineering in 1988, at which point BP took over  14 that company and I rejoined BP.  15 And from the years '88 through  16 '96, I had the opportunity to develop the next  17 generation of oil fields in the North Sea,  18 amounting to about five major investments,  19 including the Deep North Atlantic.  20 In 1996 -- during that period, BP  21 had redesigned itself as a -- as a business unit  22 based oil company in exploration and production.  23 And it came time to bring that business model  24 downstream into refining and marketing.  25 And so I left exploration and</p>	<p style="text-align: right;">Page 17</p> <p>1 safety, which I did.  2 And I spent two and a half years  3 there and finally left refining in 2000 -- I can't  4 remember -- 2003. I can correct that date later,  5 but I think it's around like 2003.  6 Q. We understand these are all ballpark.  7 A. Okay.  8 At which point I went to  9 headquarter in London in St. James Square, and  10 became the group head of supply chain management  11 and procurement. And that was the position I held  12 at the time of the Texas City tragedy.  13 At that time, on May 15, that's  14 the official date that I joined BP Texas City as  15 the business unit leader.  16 Q. It's my understanding there are plans to  17 transfer you again --  18 A. There are plans --  19 Q. -- in the future?  20 A. -- to do that, yeah.  21 Q. When is that to take place, if you know?  22 A. Well, we have recognized that the  23 transition between me and a long-term future for  24 Texas City is very important; and succession  25 plans are -- are the fundamental issue here. So I</p>

<p style="text-align: right;">Page 18</p> <p>1 think it would be imprudent in -- in going to 2 market and seeing -- finding a terrific candidate 3 to succeed me. 4         Now, the important thing is that 5 we do two things with that candidate. First of 6 all, we ensure that he understands the BP group, 7 ethics and procedures and -- and the way we do 8 things; and that will be conducted over a period of 9 months in -- in London and in Chicago and in -- 10 probably in Washington. 11         Thereafter, he will join me at 12 BP Texas City; and we will do a carefully 13 orchestrated management of change procedure, which 14 would probably be complete, sort of short estimate, 15 end of first quarter of 2007. And I will be 16 available thereafter, certainly through 2007, to 17 ensure that the transition is handled -- handled 18 properly. 19         Q. It's my understanding this gentleman 20 comes from Shell? 21         A. That's correct. 22         Q. What's his name, sir? 23         A. His name is Keith Casey. 24         Q. And it struck me as unusual that you 25 would bring someone in -- or that BP would bring</p>	<p style="text-align: right;">Page 20</p> <p>1 going on. 2         Is there something unique to 3 Texas City that you feel that you just need to 4 spend extra time with the -- the new candidate, the 5 replacement to help transition them with respect to 6 what's going on out there? 7         A. I don't think there are any special 8 conditions here. I think it's just prudent to 9 ensure that people we hire are given the very best 10 start in our company so that they can be a success. 11         Q. Well, I guess it's -- it's also helpful 12 to have an understanding, a good historical 13 understanding of what's going on at the plant, 14 particularly if you didn't already work out there 15 and you're not promoted from within that same 16 facility, you've come from outside. 17         It gives you a chance to know how 18 are things running, where the problem areas are, 19 who the management team is, how everything kind of 20 works out there. Fair statement? 21         A. Well, that -- that certainly would be 22 part of it, yeah. 23         Q. That being the case, why was it when you 24 replaced Mr. Parus it was with such a sense of 25 immediacy?</p>
<p style="text-align: right;">Page 19</p> <p>1 someone in from outside the BP family. My 2 experience over the last year and a half of these 3 depositions is that they groom most of their 4 candidates from within. 5         And that being the case, is there 6 anything that precipitated Mr. Casey percolating to 7 the top as a candidate in this matter? 8         A. I can't see of any -- any specific reason 9 why we should not go to the market for -- for the 10 very best talent we can get. It's not -- it's not 11 that unusual in BP to -- to look outside. In fact, 12 many of the positions I'm filling today are coming 13 from some really terrific organizations in our 14 industry. 15         Q. So as I understand, Mr. Casey has been 16 announced as your replacement and there's going to 17 be a transitional period where he gets acclimated 18 to BP organizational processes, management styles, 19 et cetera, and will be involved at some of the 20 headquarters and then he'll roll into a transition 21 with you at the facility that should be complete 22 sometime next spring? 23         A. That's a broad view, yeah. 24         Q. Okay. That seems to be a pretty long 25 period of time to help acclimate somebody to what's</p>	<p style="text-align: right;">Page 21</p> <p>1         A. Well, these things have to be dealt with 2 promptly. When something goes wrong in a business, 3 it's not unusual to look at the -- the leadership 4 team and make sure that you're putting in the right 5 resources to -- to bring that business forward. 6         Q. It's my understanding with Mr. Parus, 7 when you were brought in, that there was no 8 transition, that you didn't even meet with him or 9 spend any time with him to get a better 10 understanding of his perception of what the issues 11 were at that facility? 12         A. That's correct. 13         Q. Is there any particular reason why there 14 was really no transition with the leadership? 15         A. Well, you know, you've got to really 16 reflect on -- on what my background is and what my 17 experience is and the -- the length of time I've 18 been in this industry. 19         It was important that we got the 20 right resources in at the top of the organization 21 to take it through this tragic time. And I felt, 22 and certainly BP felt, that I had the right sort of 23 set of capabilities to do that. 24         Q. Well, I'm sure they picked a good 25 candidate. I just thought it was odd that</p>

<p style="text-align: right;">Page 22</p> <p>1 Mr. Parus extended his resources to the new 2 management team and they were not accepted to, at 3 least, even find out what his perception of how 4 operations had been conducted and what the problem 5 areas were. 6 It just -- I mean, he's testified 7 that you guys didn't even want to talk to him. 8 Once he was replaced, you haven't consulted with 9 him or met with him or done anything. 10 Is that an inaccurate -- 11 A. Let me be -- 12 Q. -- account? 13 A. -- very -- 14 MR. BROWN: Objection, form. 15 Okay. Go ahead. 16 THE WITNESS: Okay. 17 A. Let me -- let me say this about 18 Mr. Parus: Mr. Parus is a highly qualified 19 professional peer of mine, and I respect the guy. 20 I called Parus when I got here, and I said I would 21 think about getting in touch with him later. 22 Having been on the ground, having 23 seen what was around, I felt that I wanted just to 24 take my view of -- of the issues forward. 25 Q. (BY MR. COON) Did you --</p>	<p style="text-align: right;">Page 24</p> <p>1 the new with respect to Mr. Parus, and yet you want 2 to go through a long, smooth transition with 3 Mr. Casey. I'm just trying to understand why that 4 is. 5 MR. BROWN: Objection, form. 6 Objection, sidebar. 7 A. So what's your -- sorry, I don't 8 understand your question. 9 Q. (BY MR. COON) Yes, sir. 10 I'm just trying to understand why 11 it was that you acknowledge it's important to have 12 this smooth transition of command to get a better 13 understanding of what's going on, et cetera, 14 et cetera, and yet with Mr. Parus, you never even 15 picked his brain about what was going on out there 16 or his thoughts about anything. I'm just trying to 17 understand why. 18 A. That's what happened, you know. I would 19 say to you again, I have a very clear view of the 20 future of BP Texas City. There are -- there are -- 21 are many exciting things to do at BP Texas City to 22 ensure the longevity of that -- of that asset, 23 which is a very important asset to BP and employs a 24 lot of people in this part of Texas. 25 And it's my job, and given my</p>
<p style="text-align: right;">Page 23</p> <p>1 A. This was no disrespect to Mr. Parus. 2 Q. Well, did you feel it was in such bad 3 shape you just wanted to start all over and didn't 4 really even know -- want to know what his thoughts 5 were? 6 A. Mr. Parus' -- 7 MR. BROWN: Objection -- 8 A. -- plan -- 9 MR. BROWN: -- form. 10 THE WITNESS: Sorry. 11 A. Mr. Parus' plans were very good. He had 12 a plan in place that had he been -- had he had the 13 opportunity to carry it through, would have been 14 very, very aligned with what I'm doing now there, 15 as well. 16 Q. (BY MR. COON) Well, we appreciate that, 17 Mr. Maclean. I just am trying to understand why 18 you appreciate the importance of a smooth 19 transition and an understanding of the history 20 of -- of a facility, as you related with this 21 Mr. Casey who's coming in to transition you out, 22 and yet Mr. Parus said when you transitioned him 23 out, y'all didn't do much more than shake hands. 24 And it just seems to be 25 inconsistent that it's out with the old and in with</p>	<p style="text-align: right;">Page 25</p> <p>1 experience, to ensure the future of this -- this 2 place and provide fulfilling and sustainable 3 careers for the -- for, you know, the many 4 thousands of people who work there. 5 Q. Well, I appreciate that, Mr. Maclean. 6 MR. COON: And nothing personal, 7 I'm going to object to the responsiveness. 8 Q. (BY MR. COON) I'm just wanting to know: 9 First of all, was it your decision not to talk to 10 Mr. Parus about the transition or were you told not 11 to talk to him about -- 12 A. No, it was my -- 13 Q. -- the transition? 14 A. It was my decision. 15 Q. And you say that Texas City was an 16 important asset to BP; is that correct? 17 A. Yes. 18 Q. Why didn't they take better care of it? 19 MR. BROWN: Objection, form. 20 A. I don't agree with your -- your premises. 21 Texas City had an excellent development plan in 22 place and the -- with -- a lot of money was spent 23 there. 24 Q. (BY MR. COON) Well, the plant was 25 70 years old. Why did they have to have a plan to</p>

Page 26

1 fix it back up? Why did it get that way in the  
 2 first place?  
 3 A. In Whiting, the refinery was 114 years  
 4 old when I got there. This is a very long and  
 5 historical industry.  
 6 Q. Did it need a billion dollars in capital  
 7 reinvestment to get it back in shape --  
 8 A. Well --  
 9 Q. -- at Whiting?  
 10 A. -- let me just --  
 11 MR. BROWN: Objection, form.  
 12 A. Let me just be very clear about the  
 13 billion dollars. The year 2005 also included a  
 14 major hurricane -- hurricane, which brought us  
 15 right down. And a lot of the redevelopment capital  
 16 that's going in there and -- and revenue  
 17 expenditure is associated with damage, physical  
 18 damage caused by natural -- natural weather events.  
 19 Q. (BY MR. COON) Well, you know BP made the  
 20 announcement that they were going to put a billion  
 21 dollars back into this plant before the hurricane,  
 22 didn't they?  
 23 A. I'm not sure if they did.  
 24 Q. Well, if they made an announcement to the  
 25 public that they needed to put a billion dollars

Page 27

1 back into the plant before the hurricane occurred,  
 2 then whatever damages were associated with the  
 3 hurricane is additional to the one billion, isn't  
 4 it?  
 5 A. Yeah.  
 6 MR. BROWN: Objection, form.  
 7 A. You know, refineries get invested in.  
 8 We're about to put three and a half billion into  
 9 the Whiting refinery.  
 10 Q. (BY MR. COON) Mr. Maclean, were you  
 11 aware of the long history of underinvestment in the  
 12 infrastructure of the Texas City facility when you  
 13 came out there in the summer of 2005?  
 14 A. I was not aware of that.  
 15 And by --  
 16 Q. Are you --  
 17 A. -- by the way, you know, I'm not sure,  
 18 again, about the premise of your -- of your  
 19 assertion there.  
 20 Q. Are you saying there was no  
 21 underinvestment?  
 22 A. I know that there was a long history  
 23 of -- of quite large investment in BP Texas City.  
 24 MR. BOND: Objection,  
 25 nonresponsive.

Page 28

1 MR. COON: Thank you, Counsel.  
 2 Q. (BY MR. COON) Again, Mr. Maclean, are  
 3 you saying here today that it's your opinion there  
 4 was no long history of underinvestment at the  
 5 Texas City facility prior to your arrival in the  
 6 summer of 2005?  
 7 A. Well --  
 8 MR. BROWN: Objection, form.  
 9 A. I'm not terribly familiar with the  
 10 history of Texas City.  
 11 Q. (BY MR. COON) Have you seen the Telos  
 12 Report?  
 13 A. Yes.  
 14 Q. Have you seen all the anecdotal  
 15 statements from all the employees that worked out  
 16 there about the long history of underinvestment --  
 17 A. Yes.  
 18 Q. -- in many different areas of that  
 19 facility?  
 20 A. Yes.  
 21 Q. They included underinvestment in training  
 22 and supervision and staffing and infrastructure,  
 23 didn't they, sir?  
 24 MR. BROWN: Objection, form.  
 25 A. If that's what it said in the Telos

Page 29

1 Report, yeah.  
 2 Q. (BY MR. COON) Well, it's not "if that's  
 3 what it said."  
 4 You read it, didn't you, sir?  
 5 A. I read the report.  
 6 Q. Did many of the statements, in fact, say  
 7 that?  
 8 A. Yes.  
 9 Q. Do you dispute the -- the opinions of  
 10 the -- your own employees about the hourly  
 11 management that had been out there for many years  
 12 prior to your arrival with respect to what had  
 13 really gone on at that plant before you got there?  
 14 A. These are opinions, they're anecdotal  
 15 opinions.  
 16 Q. And I take it your employees are entitled  
 17 to those opinions, aren't --  
 18 A. Absolutely --  
 19 Q. -- they, sir?  
 20 A. -- yeah.  
 21 Q. Have you seen the outside consulting  
 22 report such as the -- the Veba report done with  
 23 Mr. Kearney and BP personnel in 2002 that  
 24 acknowledged that very same thing?  
 25 A. I'm not sure they acknowledged the same

<p style="text-align: right;">Page 30</p> <p>1 thing.</p> <p>2 Q. You don't recall in the Veba report an</p> <p>3 acknowledgment that there was a long history of</p> <p>4 underinvestment in the Texas City facility that had</p> <p>5 gone back for many years?</p> <p>6 A. The -- the Veba report was a carefully</p> <p>7 written professional document which provided us</p> <p>8 some access to -- to take action. It was a very</p> <p>9 different document to the Telos Report, which</p> <p>10 reflected the opinions of people who may have</p> <p>11 developed, I am aware of, as you say, 20 years.</p> <p>12 And, you know, you ask -- ask someone to express an</p> <p>13 opinion without any commitment to -- to the future</p> <p>14 of the place, you know, that's what you're going to</p> <p>15 get.</p> <p>16 Q. Well, sir, when you look at the Veba</p> <p>17 report, the Veba report went back through the</p> <p>18 history and the actual capitalization of that plant</p> <p>19 for a decade, didn't it, sir?</p> <p>20 A. Yes, it did.</p> <p>21 Q. And do you recall seeing on that chart</p> <p>22 where all the lines had a downward trend from the</p> <p>23 early '90s until the early 2000 time frame?</p> <p>24 A. Well, you've got to remember that I was</p> <p>25 not there and BP and Amoco were not the same --</p>	<p style="text-align: right;">Page 32</p> <p>1 was a significant history of underinvestment in the</p> <p>2 Texas City facility prior to your arrival?</p> <p>3 A. That's not an interpretation that I'm</p> <p>4 familiar with. I mean, the -- the information is</p> <p>5 open to interpretation.</p> <p>6 Q. Okay. So if you testify at trial in this</p> <p>7 matter, sir, are you prepared to state that in your</p> <p>8 opinion, having been out there for the last year</p> <p>9 and having a better understanding of that facility,</p> <p>10 that there was no history of underinvestment at</p> <p>11 that facility as far as you're concerned?</p> <p>12 A. I think -- I think the -- your</p> <p>13 interpretation of history of underinvestment is</p> <p>14 inaccurate. Investment comes with judgment as to</p> <p>15 what you should be investing in. I don't think</p> <p>16 there was any lack of investment in Texas City.</p> <p>17 What I would concede is that the</p> <p>18 judgments as regards to where those investments are</p> <p>19 going were not my judgments.</p> <p>20 Q. Okay. When you talk about investments,</p> <p>21 should you invest in your people?</p> <p>22 A. Absolutely.</p> <p>23 Q. Should you invest in the infrastructural</p> <p>24 integrity?</p> <p>25 A. Absolutely.</p>
<p style="text-align: right;">Page 31</p> <p>1 were not the same company.</p> <p>2 Q. Well, but you are now, aren't you?</p> <p>3 A. Yeah, we are now.</p> <p>4 Q. Okay. I'm not blaming you, Mr. Maclean.</p> <p>5 We're just trying to understand what the history of</p> <p>6 that plant was prior to your arrival and you're</p> <p>7 trying to give me the impression -- or you're</p> <p>8 giving me the impression that BP was taking care of</p> <p>9 business down in Texas City and there was no</p> <p>10 underinvestment in the capital, in the</p> <p>11 infrastructure there.</p> <p>12 And I'm just asking you if that's</p> <p>13 based on just a personal opinion or based on facts</p> <p>14 or what it's based on?</p> <p>15 MR. BROWN: Objection --</p> <p>16 Q. (BY MR. COON) Because it's inconsistent</p> <p>17 with the documents that we've seen in this case,</p> <p>18 it's inconsistent with the testimony of many people</p> <p>19 that were out there, it's inconsistent with Telos</p> <p>20 and it's inconsistent with Veba.</p> <p>21 MR. BROWN: Objection --</p> <p>22 Q. (BY MR. COON) So --</p> <p>23 MR. BROWN: -- form.</p> <p>24 Q. (BY MR. COON) -- I'll just ask you</p> <p>25 again, Mr. Maclean: Do you acknowledge that there</p>	<p style="text-align: right;">Page 33</p> <p>1 Q. Should you replace thin pipe?</p> <p>2 A. Absolutely.</p> <p>3 Q. Should you replace corrosion under</p> <p>4 insulation?</p> <p>5 A. Yes.</p> <p>6 Q. Should you invest in people to the</p> <p>7 standpoint you provide them adequate continued</p> <p>8 training?</p> <p>9 A. Yes. And indeed that's entirely -- all</p> <p>10 those points are entirely fundamental to my program</p> <p>11 as we move forward with BP Texas City.</p> <p>12 Q. Was that something you had to implement</p> <p>13 after you got out there?</p> <p>14 A. That's part of the plan that I -- that I</p> <p>15 created called the "Focus on the Future" program,</p> <p>16 which was -- you know, which -- which I created</p> <p>17 to -- to make sure that BP Texas City is a -- is an</p> <p>18 asset that can be sustained for, you know, 50 --</p> <p>19 50 years. And -- and, you know, one of the</p> <p>20 principal focuses is that we -- we -- we will</p> <p>21 ensure that our people are educated and capable</p> <p>22 of -- of carrying out the accountabilities we -- we</p> <p>23 put on them.</p> <p>24 Q. Mr. Maclean, have you been called a</p> <p>25 troubleshooter before?</p>

Page 34

1 A. I -- I've heard that term.  
 2 Q. You were a troubleshooter up at  
 3 Grangemouth, weren't you, sir?  
 4 A. I wouldn't call myself a troubleshooter.  
 5 I don't know what the term means. I'm a business  
 6 man.  
 7 Q. You don't know what a troubleshooter is?  
 8 A. (Shakes head.)  
 9 Q. So people have told you you're a  
 10 troubleshooter and you had no clue what they were  
 11 talking about?  
 12 A. I knew what people think of a trouble --  
 13 I am telling you I don't think I'm a  
 14 troubleshooter.  
 15 Q. Okay. You went over to Grangemouth in  
 16 2000 because there had been an explosion over  
 17 there, hadn't you, sir?  
 18 A. What happened at Grangemouth were three  
 19 things. First of all, there was an explosion in  
 20 the steam system -- not an explosion, a burst pipe.  
 21 The second thing, there was a fire on the CAT  
 22 cracker. And the third thing was there was an  
 23 electrical outage, which caused some black smoke.  
 24 These three things caused outrage  
 25 in the local community and brought attention to

Page 35

1 certain things that we needed to just tighten up  
 2 on.  
 3 Q. And the community had a reason to be  
 4 perturbed at BP, didn't they, sir?  
 5 A. Well, if -- you know, those three things  
 6 in a -- in a small, close-knit community can cause  
 7 people to get upset.  
 8 Q. And there were issues associated with the  
 9 operation of that plant that were deemed to be  
 10 substandard when your team came out; is that  
 11 correct, sir?  
 12 A. There were certain things that were  
 13 substandard, certain things that were pretty good.  
 14 Q. Mr. Maclean, did you ever go back and  
 15 obtain any additional formal education after  
 16 graduating as a geologist?  
 17 A. I attended INSEAD Business School in --  
 18 in -- south of Paris.  
 19 Q. What year, sir? Ballpark will do.  
 20 A. '95.  
 21 Q. Did you obtain a degree?  
 22 A. I got a diploma.  
 23 Q. In business?  
 24 A. Yeah.  
 25 Q. Anything else, sir?

Page 36

1 A. I don't remember. Just many, many  
 2 industry short courses.  
 3 Q. What are your plans after leaving  
 4 Texas City?  
 5 A. I don't have any plans yet.  
 6 Q. Don't know where you are planned to be  
 7 reassigned?  
 8 A. I don't know. I haven't thought about it  
 9 yet. I've -- I -- it's not appropriate for me to  
 10 think about it yet.  
 11 Q. Okay. Well, how did this transition with  
 12 Mr. Casey work?  
 13 Was this something that you knew  
 14 when you came into Texas City, that you would be  
 15 there for some period of time just to stabilize  
 16 issues and get them on the right track again and --  
 17 and then move on down the road like you did at  
 18 Grangemouth or is it something that when you got  
 19 here you had no idea how long you would stay or if  
 20 it would be a permanent position?  
 21 A. No, I -- I knew that we -- we -- there  
 22 were certain things to do to ensure that Texas City  
 23 could return to a stable form of operations. And I  
 24 know from my experience that sort of -- anything  
 25 from 18 months to three years is -- is when that

Page 37

1 happens.  
 2 Q. Do you know at this time if you are  
 3 looking more at going back to London or going back  
 4 to work at another --  
 5 A. I told you --  
 6 Q. -- refinery?  
 7 A. -- I haven't -- I have no plans.  
 8 Q. No plans. You're not planning on  
 9 retiring or anything?  
 10 A. I have no plans.  
 11 Q. You're not going to replace Lord Browne,  
 12 are you?  
 13 A. I have no plans.  
 14 Q. Okay.  
 15 MR. BOND: Him or Parus.  
 16 THE WITNESS: Sorry?  
 17 MR. BOND: I said: Him or Parus.  
 18 MR. BROWN: Objection, sidebar.  
 19 You can ask questions later.  
 20 MR. BOND: I will.  
 21 Q. (BY MR. COON) Mr. Maclean, what  
 22 experience do you have from a training background  
 23 or whatever with respect to process safety  
 24 management?  
 25 A. Process safety management fits into a

<p style="text-align: right;">Page 38</p> <p>1 business model I carry around with me. And if 2 you'd like, I would just sort of let you know about 3 what that model is about. 4 Q. Yes, sir. 5 A. Yeah. 6 I think for businesses, 7 manufacturing businesses to be successful, they've 8 got to do three things primarily. First and 9 foremost, and without this nothing happens, you've 10 got to take care of plan -- personal and process 11 safety. That's the safety of individuals, the way 12 they behave in the plant. And the second thing is 13 you've got to take care of the -- the safety of 14 the -- of the equipment so that dangerous 15 substances stay within the pipes. 16 So those are the first two things 17 involving safety. 18 The second thing you've got to do 19 is ensure that the plant is reliable, that it's 20 available for manufacture of product when you want 21 to take that product to market. 22 And the third thing you've got to 23 do is ensure that you've got the right cost 24 structure. All right. Cost means capital 25 investment and revenue expenditure, and that is</p>	<p style="text-align: right;">Page 40</p> <p>1 came straight out of St. James and joined me as the 2 head of HSSE. 3 His first move was to appoint a 4 very senior and professional process safety manager 5 from -- and from outside of BP in the industry, who 6 is now in place and -- 7 Q. Are you talking about at Texas City? 8 A. Yeah. 9 Q. Who is it -- who is it you put in charge 10 of HSSE? 11 A. The -- the head of HSSE is Pat King, 12 Patrick King. 13 Q. And who did he bring in? 14 A. He brought in a guy called Rob DiValerio 15 for PSM, industry recognized PSM guy. 16 Q. Does he have any dealings with Bill 17 Ralph? 18 A. Bill Ralph now reports to Rob DiValerio. 19 Q. Do you agree Mr. Ralph is pretty 20 knowledgeable with respect to process safety 21 management issues? 22 A. Yes, I do. 23 Q. What was wrong with Mr. Barnes? 24 A. There's nothing wrong with Mr. Barnes. 25 Q. Why didn't you replace him with Mr. King?</p>
<p style="text-align: right;">Page 39</p> <p>1 really an outcome of the first two things. That's 2 people and plant safety and plant reliability will 3 produce a cost structure which is appropriate to 4 the business you're running. 5 Now, of those three, the one that 6 you cannot do without is safety; and that is, 7 personal and process safety. If you don't do that, 8 the other two are irrelevant. And, in fact, if you 9 do that well, the other two will probably be pretty 10 good anyway. 11 Q. I've seen a statement in the refining 12 industry that if you can't do it at a profit, you 13 shouldn't do it and if you can't do it safely, you 14 shouldn't do it. 15 A. Well, let me say: If you can't do it 16 safely, you shouldn't do it. 17 Q. You would agree, then, that with respect 18 to process safety management, that that is part of 19 Rule 1? That's the most critical thing in the 20 petrochemical industry? 21 A. Well, I mean, as I look forward at 22 BP Texas City, one of the first two things I did 23 was appoint a very, very senior HSSE manager -- 24 that stands for health, safety, security and 25 environmental manager -- who's a group leader. He</p>	<p style="text-align: right;">Page 41</p> <p>1 A. I didn't replace him with Mr. King. 2 Q. Well, wasn't Mr. Barnes in charge of 3 HSSE -- 4 A. Yeah. 5 Q. -- at the time of the explosion? 6 A. What I -- what I did was I asked Joe 7 Barnes to take over the manufacturing delivery 8 leader role for catalytic cracking because he had 9 done an admirable job there, and I wanted stability 10 in that -- in that division. And Mr. Barnes agreed 11 with me that that's what he would do. 12 Q. Mr. Barnes seems like a pretty nice guy. 13 Do you have any personal dealings 14 with him? 15 A. Yeah. 16 Q. Do you agree he's a nice guy? 17 A. Yeah. 18 Q. Do you agree he's incompetent with 19 respect to process safety management issues? 20 MR. BROWN: Objection, form. 21 Q. (BY MR. COON) Would you say that 22 Mr. Barnes was incompetent to head HSSE at a major 23 refinery like Texas City? 24 MR. BROWN: Objection, form. 25 A. My judgment is he -- is, no, he was not</p>

<p style="text-align: right;">Page 42</p> <p>1 incompetent. He was a very, very competent 2 professional refining individual. 3 Q. Do you know what his background and 4 experience was with respect to process safety 5 management? 6 A. No. 7 Q. Would it surprise you to find he had 8 none? 9 MR. BROWN: Objection, form. 10 A. I mean, I don't have any reaction. 11 Q. (BY MR. COON) Have you seen his 12 deposition? 13 A. No. 14 Q. Nobody has told you he had no background 15 or training, formal or otherwise, with respect to 16 process safety management? 17 A. Well -- 18 MR. BROWN: Objection, form. 19 A. I think what I've -- my task is to ensure 20 that the organization that we have is fit for the 21 future. 22 Q. (BY MR. COON) Well, I understand, 23 Mr. Maclean; but we're also here to talk about the 24 past. 25 A. Well, I wasn't here.</p>	<p style="text-align: right;">Page 44</p> <p>1 some direction -- it can -- it can provide some 2 direction for the appropriate things to do in the 3 future. I came here to create a future. Now, 4 that's what history means to me. 5 There are certain elements that 6 provide guidance, and that's what I'll use it for. 7 Q. Have you heard the saying, "Fool me once, 8 shame on you; fool me twice, shame on me"? 9 A. What was that? 10 Q. I said: Did you ever hear the statement, 11 "Fool me once, shame on you; fool me twice, shame 12 on me"? 13 A. No. 14 Q. Did you ever hear of something called 15 "Lessons Learned from Grangemouth"? 16 A. In what context? 17 Q. In the context of the article that was 18 written by BP as a result of what happened out 19 there when you were sent out to that facility to 20 fix the problems? 21 A. So what's your -- I'm sorry, I didn't 22 understand the question. 23 Q. Well, didn't BP author a journal or an 24 article titled "Lessons Learned From Grangemouth" 25 to distribute within the BP system so that other</p>
<p style="text-align: right;">Page 43</p> <p>1 Q. Well, we understand that, too, sir. But 2 that's why we're here today is to ask you what you 3 know, what the problems were, what you've seen at 4 other plants. 5 You've been with BP, what, 20 -- 6 23 years? 7 A. In BP? 8 Q. Minus the short period of time you were 9 with Britoil? 10 A. A lot more than that. 11 Q. You've been around BP a long time. 12 Fair to say? 13 A. (Nods head.) 14 Q. Now -- and you would agree that history 15 is important, isn't it, sir? You don't want to 16 ignore history, do you? 17 A. Well, sir, that's an assertion that -- 18 history provides a foundation; but it doesn't 19 create a future, which is what I'm here to do. 20 Q. Yeah. But you also want to learn from 21 your past mistakes, don't you, sir? 22 A. You must not -- let -- history is 23 very interesting. History can either be a story 24 that people read and say, "Yeah, okay. That's what 25 happened," or it can be a foundation for providing</p>	<p style="text-align: right;">Page 45</p> <p>1 operators and plant managers would learn from the 2 mistakes at Grangemouth to help reduce the 3 likelihood of such a tragic occurrence at other 4 facilities in the future? 5 A. Can you -- I'm sorry, can you give me a 6 specific reference to that report? 7 Q. Are you just not familiar with an article 8 that came out -- 9 A. What -- 10 Q. -- that -- 11 A. -- article? Sorry, I don't know what 12 article you're talking about. 13 Q. It's an article called "Lessons Learned 14 from Grangemouth." It was published by your 15 employer dealing with the way you fixed the 16 Grangemouth problems. 17 Was that news to you? 18 A. There are many, many documents in BP 19 containing lessons learned from -- from various 20 aspects of our business. It doesn't surprise me 21 that the -- that that report was -- was published. 22 You've got to remember that I left refining after 23 Grangemouth. 24 Q. So you're not aware of an article that 25 was disseminated within the BP system titled</p>

<p style="text-align: right;">Page 46</p> <p>1 "Lessons Learned from Grangemouth" that was  2 circulated to the various refineries for the  3 specific intent of assisting business unit leaders  4 and management in understanding what happened at  5 Grangemouth to reduce the likelihood of a similar  6 occurrence at their facilities from a historical  7 perspective?  8 MR. BROWN: Objection, form.  9 Q. (BY MR. COON) It's just you either know  10 about it or you don't, sir.  11 A. No. I -- it's absolutely appropriate  12 that that report was written and circulated to  13 refineries. What I've got to tell you today is I  14 was not in refining.  15 Q. Well, that's fair enough. You don't have  16 to explain why you might not know about it. I'm  17 just asking if you do or not. And if you don't,  18 that's fine. We'll go on to something else.  19 So I take it you have not heard  20 about that article or personally know about it?  21 A. You -- sorry, you've got to give me a  22 reference. You know, there are a multitude of  23 reports I read all the time. So I --  24 Q. Well --  25 A. -- I can't -- sorry, you're not giving me</p>	<p style="text-align: right;">Page 48</p> <p>1 A. No.  2 Q. Who handled the investigation?  3 A. I think the investigation was led by Rick  4 Porter.  5 Q. Have you ever been involved in  6 investigations on behalf of BP?  7 A. No.  8 Q. Never?  9 A. No.  10 Q. Not on fatalities, not on explosions,  11 nothing --  12 A. No.  13 Q. -- that you've investigated?  14 A. Nothing.  15 Q. With respect to the Texas City explosion,  16 did you work with any of the investigative teams?  17 Let me back up first.  18 Did you work with any of the  19 internal investigative teams?  20 A. No.  21 Q. Did you work with any of the external  22 investigative teams, being primarily the federal  23 agency investigations?  24 A. No. What we did was set up an  25 organization where federal -- the federal agencies</p>
<p style="text-align: right;">Page 47</p> <p>1 sufficient information to say "yes" or "no." So --  2 and, you know, I would hate to mislead you.  3 Q. Okay. You're just not personally  4 recalling an article that was circulated within the  5 BP system called, quote, Lessons Learned From  6 Grangemouth, end quote?  7 A. I'm -- you know, that's your  8 understanding. There are a multitude of reports  9 called "Lessons Learned." I'm sure -- you know, it  10 may well be that I read it. I just can't reference  11 it.  12 Q. Okay. It's in the exhibits in the logs  13 over there, Mr. Maclean. So we'll look for it at  14 one of the breaks. Okay?  15 A. Okay.  16 Q. Speaking of investigations, the ones you  17 were involved in, I take it you took a personal  18 involvement with respect to what happened out at  19 Grangemouth, did you not, sir?  20 A. Not at all.  21 Q. You didn't get involved in the  22 investigation of what happened out there at all --  23 A. No.  24 Q. -- when you were sent out there in  25 response to that emergency?</p>	<p style="text-align: right;">Page 49</p> <p>1 and state agencies could be totally cooperated  2 with. So we had a specific department which  3 handled the interface between the investigative  4 agencies like OSHA, the EPA, TCEQ and so forth, so  5 that we -- and CSB, so that we could ensure that we  6 managed the requirement for information and data  7 and so forth efficiently.  8 Q. And you had no personal involvement with  9 any of those agencies?  10 A. None.  11 Q. Never met with them to discuss anything?  12 A. I've met with OSHA once, but it was not  13 on the issue around the ISOM.  14 Q. Have you met with the Baker panel?  15 A. Yes, once.  16 Q. What was that about?  17 A. That was their inaugural meeting in  18 Texas City when they held a public forum and the  19 panel had discussions with -- with me and some of  20 my direct reports.  21 Q. Have you met with any of the other  22 investigative agencies, the EPA or DOJ?  23 A. No.  24 Q. Mr. Maclean, you were out at Whiting at  25 the time of the merger; is that --</p>

<p style="text-align: right;">Page 50</p> <p>1 A. Yeah.  2 Q. -- correct?  3 A. No, after the merger.  4 Q. Immediately after the merger?  5 A. Yeah.  6 Q. '98 to, '0 -- what, '01?  7 A. Yes.  8 Q. And you were the business unit leader  9 there?  10 A. Yes.  11 Q. They had blowdown drums out there, didn't  12 they?  13 A. Yes.  14 Q. Do you know Stan Sorrels?  15 A. Yes.  16 Q. Is he the head of HSSE there?  17 A. Yes.  18 Q. Do you agree he had a solid background  19 with respect to health and safety issues?  20 A. That was my understanding.  21 Q. I believe he actually wrote the manual  22 deal on the trailer siting on behalf of the Amoco  23 Heritage, didn't he, sir?  24 A. I'm not aware of that.  25 Q. Do you know anything about the trailer</p>	<p style="text-align: right;">Page 52</p> <p>1 response?  2 A. I would say that's an appropriate  3 response. You know, something big like the ISOM  4 happens, the whole industry looks at their practice  5 and makes sure that they learn lessons.  6 Q. Well, this was not the first explosion to  7 happen in a refinery, was it, sir?  8 A. Refineries have had explosions since day  9 one.  10 Q. In fact, it's not even the first  11 explosion at that refinery, is it?  12 A. Before my time.  13 Q. Well, let's talk about after your time.  14 Even after you got out there,  15 there was an --  16 A. Yes, there --  17 Q. -- explosion --  18 A. -- was an explosion.  19 Q. And that particular plant had a long  20 history of fires, didn't it, sir?  21 A. Well, I'm not sure about its history; but  22 I will tell you that there was an -- an event which  23 caused a fire on the resid hydrocracking unit.  24 Q. There was a major fire out there in 2004,  25 too, wasn't there?</p>
<p style="text-align: right;">Page 51</p> <p>1 siting manuals utilized by BP?  2 A. No.  3 Well, I can tell you what we've  4 done with trailers. Once again, I mean, you know,  5 when -- it was important that we took account of  6 what was pointed to in the Mogford and Stanley  7 reports. And so we created this thing called the  8 "Focus on the Future" program."  9 One of the first things we did was  10 moved trailers out of BP Texas City right outside  11 of the fence. And we opened a brand-new office in  12 downtown Texas City to take many, many people who  13 would have been in trailers out of that environment  14 and -- and into an office in downtown Texas City.  15 We did that in 100 days.  16 Q. That's something that could have been  17 done before the explosion, too, wasn't it?  18 A. I've -- can't comment. I mean, I simply  19 wasn't here. It seemed to me appropriate that we  20 react to circumstances and -- and get folks out of  21 the refinery. And I think that's an industry  22 thing, as well. I mean, when circumstances change,  23 actions change in direct proportion to the  24 circumstances.  25 Q. Would you say this is a rather drastic</p>	<p style="text-align: right;">Page 53</p> <p>1 A. Well, I'm not sure about that; but I know  2 that the fire that occurred on my watch was -- was  3 an event that we have studied and -- and understand  4 why it happened.  5 Q. And it usually happens because  6 hydrocarbons escape --  7 A. Yeah.  8 Q. -- is that correct?  9 A. Yeah. Of course, there's a little more  10 subtle explanation behind that.  11 Q. There's all kind of explanations for  12 them.  13 Is it fair to state that -- that  14 the vast majority of them are due to escaped  15 hydrocarbons where they get outside the system,  16 correct?  17 MR. BROWN: Objection, form.  18 Q. (BY MR. COON) Correct, sir?  19 A. Sorry. What's your question?  20 Q. Yes, sir.  21 I said: The vast majority of  22 these fires that you have out at that plant is due  23 to escaped hydrocarbons, correct?  24 A. That's correct, yeah.  25 Q. Did you review the testimony of</p>

<p style="text-align: right;">Page 54</p> <p>1 Mr. McLemore, your fire chief out there?  2 A. No. Wait a minute. Let me just back up  3 on that question.  4 The vast majority of small fires  5 are caused by welding events. The big fires are  6 caused by escaping hydrocarbon.  7 Q. Do you know Mr. McLemore, your fire  8 chief?  9 A. Yes, I do.  10 Q. Do you know how many fires he testified  11 had historically occurred at the Texas City  12 facility?  13 A. I -- I'm aware of the number.  14 Q. What's your understanding of the number,  15 sir?  16 A. Well, I can't relate it directly; but  17 it's -- it's a -- a substantial number.  18 Q. Well, like more than ten?  19 A. The vast majority of which are welding  20 fires.  21 Now, are you talking about '96  22 or --  23 MR. BOND: Objection,  24 nonresponsive.  25 A. '95 or --</p>	<p style="text-align: right;">Page 56</p> <p>1 Q. You made no effort to go back and talk to  2 Mr. McLemore to find out whether or not the history  3 of fires out there was a problem or not?  4 A. What I -- what I did when I got there was  5 make sure that one of our principle measurements,  6 like a key performance indicator, was number of  7 fires; and that's a piece of housekeeping that  8 refineries do.  9 Now, you've got to -- you've got  10 to put that in context. Two-thirds of the  11 BP Texas City refinery is closed down today; and  12 there's a lot of rebuilding work going on, so a lot  13 of welding and all that sort of stuff. So this  14 adds up to many small non-process related  15 construction related fires.  16 Q. Fair enough. Let's talk about before you  17 arrived.  18 Any history, any understanding  19 that you have of the number of fires out there and  20 how many of them --  21 A. I have --  22 Q. -- were --  23 A. -- no --  24 Q. -- or hydrocarbon related?  25 A. I have -- I mean, before I got there, I</p>
<p style="text-align: right;">Page 55</p> <p>1 THE WITNESS: What?  2 MR. BOND: I objected  3 nonresponsive.  4 Q. (BY MR. COON) We'll talk about whatever  5 years that you recall.  6 A. Well, let me talk about since I've been  7 there.  8 Q. Well, let's -- let's just talk first  9 about: How many are you aware of historically  10 having occurred --  11 A. Historically?  12 Q. Sure.  13 A. What, since the place was built?  14 Q. Sure, if you know.  15 A. I don't know.  16 Q. Well, what do you know before you got out  17 there with respect to the -- the history of fires?  18 A. I don't know anything.  19 Q. You know of no fires that occurred at  20 that plant before you arrived?  21 A. I didn't study whether fires had been  22 there or not.  23 Q. So you couldn't say if there were a  24 million or none?  25 A. Absolutely.</p>	<p style="text-align: right;">Page 57</p> <p>1 have no idea.  2 Q. Did you know that your own Veba report  3 said that the excessive number of hydrocarbon leaks  4 and fires out at that plant poised that facility  5 for a catastrophic event?  6 A. Really?  7 Q. Was that news to you?  8 A. No, that's not news. I read the Veba  9 report.  10 Q. So you were aware that three years before  11 the ISOM unit blew up, that you had consultants  12 come in that said you had way too many hydrocarbon  13 escapes and way too many fires out at that plant?  14 A. I read the report.  15 MR. BROWN: Objection, form.  16 Q. (BY MR. COON) That's what the report  17 said, isn't it, sir?  18 MR. BROWN: Objection, form.  19 A. I read the report.  20 Q. (BY MR. COON) Isn't that what the report  21 said, sir?  22 A. I can't recall the report in any detail.  23 Q. And the reason that you were having so  24 many hydrocarbon leaks was because the  25 infrastructure of the facility was not in</p>

<p style="text-align: right;">Page 58</p> <p>1 particularly good shape, was it, sir?</p> <p>2 A. Well, that's an assertion that I can't</p> <p>3 really comment on.</p> <p>4 Q. Well, if the Veba report says that,</p> <p>5 you're not going to contradict it, I take it?</p> <p>6 A. The Veba report was an interpretation,</p> <p>7 just like everything else.</p> <p>8 Q. Have you hired the Kearney firm before</p> <p>9 for anything?</p> <p>10 A. The which firm?</p> <p>11 Q. The A.T. Kearney firm, the one that --</p> <p>12 A. Yes.</p> <p>13 Q. -- was retained by BP in this case?</p> <p>14 A. Yes.</p> <p>15 Q. Are they reliable? Are they competent?</p> <p>16 A. I think they're a good company, yes.</p> <p>17 Q. So --</p> <p>18 A. It depends on who's working for them.</p> <p>19 Q. Do you have any reason to believe that</p> <p>20 the individuals that performed your Veba consulting</p> <p>21 report in 2002 were incompetent in some manner?</p> <p>22 A. Not at all.</p> <p>23 Q. Did you ever get an understanding as to</p> <p>24 why the Telos Report was done and how it was</p> <p>25 conducted?</p>	<p style="text-align: right;">Page 60</p> <p>1 safety management seriously.</p> <p>2 Were you aware of that?</p> <p>3 A. No.</p> <p>4 MR. BROWN: Objection, form.</p> <p>5 A. That was not something I was paying</p> <p>6 attention to. I don't think it's related to what</p> <p>7 I'm committed to doing for the future of</p> <p>8 BP Texas City.</p> <p>9 Q. (BY MR. COON) Well, when you arrived out</p> <p>10 there, did you want to know whether or not the</p> <p>11 people who were very knowledgeable about process</p> <p>12 safety management could tell you whether or not</p> <p>13 they felt that the plant was taking that issue</p> <p>14 seriously?</p> <p>15 A. Absolutely, and what I did was -- and I</p> <p>16 do every day, is say, "What people say matters."</p> <p>17 Q. Yeah. And what y'all did is you realized</p> <p>18 Mr. Barnes didn't know what he was doing and y'all</p> <p>19 had to replace him, right?</p> <p>20 A. Well, done before my time. I'm sorry.</p> <p>21 Q. Well, Mr. Barnes was replaced about the</p> <p>22 time you got out there, wasn't he? Didn't you --</p> <p>23 A. No.</p> <p>24 Q. -- put Pat King in --</p> <p>25 A. No.</p>
<p style="text-align: right;">Page 59</p> <p>1 A. My understanding, which is sketchy, is</p> <p>2 that it was requested by Texas City management to</p> <p>3 get a -- a feeling for what was going on out there.</p> <p>4 Q. It was kind of a cultural assessment?</p> <p>5 A. I -- I'm not sure. It was a request made</p> <p>6 by -- by the then plant leadership.</p> <p>7 Q. Were you ever provided with the</p> <p>8 statements that were given by interviewees such as</p> <p>9 Mr. Ralph and others? Did you ever see the actual</p> <p>10 statements that were given by management --</p> <p>11 A. I thought --</p> <p>12 Q. People?</p> <p>13 A. -- the statements were anonymous in the</p> <p>14 Veba report -- in the Telos Report.</p> <p>15 Q. Well, they're not, sir.</p> <p>16 There's about a hundred or so that</p> <p>17 are individual interviews that reflect who the</p> <p>18 interviewee is and what they had to say. Were you</p> <p>19 aware of that?</p> <p>20 A. Well, I -- I might have been. I mean, I</p> <p>21 read bits of the report.</p> <p>22 Q. Well, for instance, Mr. Ralph -- you</p> <p>23 remember Mr. Ralph, right?</p> <p>24 A. Yeah.</p> <p>25 Q. He said Don Parus didn't take process</p>	<p style="text-align: right;">Page 61</p> <p>1 Q. -- charge of HSSE?</p> <p>2 A. No, I did that; but there was another guy</p> <p>3 doing HSSE when I got there.</p> <p>4 Q. Who was that?</p> <p>5 A. A guy called Paul Hauffman -- Kaufman.</p> <p>6 Q. Yeah.</p> <p>7 Did you understand Mr. Kaufman had</p> <p>8 only been there about a month and he had been the</p> <p>9 interim replacement for Mr. Barnes after this</p> <p>10 explosion --</p> <p>11 A. So --</p> <p>12 Q. -- because --</p> <p>13 A. So I believe, yeah.</p> <p>14 Q. Because everybody understood that</p> <p>15 Mr. Barnes didn't know what he was doing?</p> <p>16 A. Well, I -- I don't know about that. I</p> <p>17 can't comment.</p> <p>18 Q. All right. Mr. Maclean, you know the</p> <p>19 difference between occupational safety and process</p> <p>20 safety --</p> <p>21 A. Yeah.</p> <p>22 Q. -- right?</p> <p>23 You know the differences between</p> <p>24 personal protective equipment as an occupational</p> <p>25 issue versus process safety, do you not?</p>

<p style="text-align: right;">Page 62</p> <p>1 A. Yes.</p> <p>2 Q. Would you say that wearing safety glasses</p> <p>3 and steel-toed boots was process safety or</p> <p>4 occupational safety?</p> <p>5 A. It's occupational safety.</p> <p>6 Q. And that's occupational safety 101, isn't</p> <p>7 it, sir?</p> <p>8 A. Well, it's actually -- it's about the</p> <p>9 fifth line of defense. It's not 101.</p> <p>10 Q. Every time I ask the -- anybody with a</p> <p>11 basic knowledge of safety and the differences</p> <p>12 between process safety and personal protective</p> <p>13 equipment and occupational safety knows that</p> <p>14 difference, don't they?</p> <p>15 A. Well, I don't know. What is your</p> <p>16 question?</p> <p>17 Q. People that know anything about process</p> <p>18 safety know that safety glasses is not process</p> <p>19 safety?</p> <p>20 A. I agree with that.</p> <p>21 Q. Did you know that Mr. Barnes did not know</p> <p>22 that?</p> <p>23 A. Well, I --</p> <p>24 MR. BROWN: Objection, form.</p> <p>25 A. No.</p>	<p style="text-align: right;">Page 64</p> <p>1 Q. -- like that?</p> <p>2 A. I try not to.</p> <p>3 Q. Can you only deal in black and white?</p> <p>4 You can't deal with abstract?</p> <p>5 A. Sorry, what's your --</p> <p>6 MR. BROWN: Objection, form.</p> <p>7 A. -- question?</p> <p>8 Q. (BY MR. COON) Yes, sir.</p> <p>9 A. I don't really --</p> <p>10 Q. I just --</p> <p>11 A. -- know where you're going.</p> <p>12 Q. I just want to know if you've ever been</p> <p>13 able to have the capacity to assume things as facts</p> <p>14 and -- and render opinions or -- or judgments based</p> <p>15 on --</p> <p>16 A. So your --</p> <p>17 Q. -- those hypotheticals?</p> <p>18 A. Your question is what?</p> <p>19 Q. Yes, sir.</p> <p>20 My question was simple originally,</p> <p>21 it was: Would it bother you that somebody who was</p> <p>22 head of HSSE at a major BP refinery did not know</p> <p>23 that steel-toed boots were occupational safety, not</p> <p>24 process safety?</p> <p>25 A. Look, I have no evidence that the guy</p>
<p style="text-align: right;">Page 63</p> <p>1 Q. (BY MR. COON) Did you know that</p> <p>2 Mr. Barnes testified that steel-toed boots was</p> <p>3 process safety?</p> <p>4 MR. BROWN: Objection, form.</p> <p>5 A. That's out of my -- what I can help you</p> <p>6 with here. I mean...</p> <p>7 Q. (BY MR. COON) Well, would it concern you</p> <p>8 that the head of HSSE at the largest refinery that</p> <p>9 BP owns thought that wearing steel-toed boots was</p> <p>10 process safety?</p> <p>11 MR. BROWN: Objection, form.</p> <p>12 A. I don't really have an opinion on that.</p> <p>13 It was before my time, and it's an assertion that I</p> <p>14 can't validate or otherwise.</p> <p>15 Q. (BY MR. COON) Well, I understand, sir.</p> <p>16 But I'm saying: Assuming that --</p> <p>17 that the head of HSSE --</p> <p>18 A. Well, but you're assuming something that</p> <p>19 I can't assume.</p> <p>20 Q. Mr. Maclean, if you would let me finish</p> <p>21 the question, please, sir.</p> <p>22 If you would assume -- you can</p> <p>23 assume stuff, can't you? Don't you have the</p> <p>24 creative capacity to assume things --</p> <p>25 A. I try --</p>	<p style="text-align: right;">Page 65</p> <p>1 said that.</p> <p>2 Q. Mr. Maclean, I didn't ask you --</p> <p>3 A. So -- yeah, you didn't ask me that. But,</p> <p>4 I mean --</p> <p>5 Q. Well, and, sir, since I didn't ask you</p> <p>6 that, you don't have to answer that. We'll make it</p> <p>7 real simple. You just answer the questions that we</p> <p>8 ask and we'll be through this. Okay?</p> <p>9 Now, I'll ask you the question</p> <p>10 again.</p> <p>11 Would it concern you --</p> <p>12 A. It would.</p> <p>13 Q. -- if -- there you go.</p> <p>14 MR. CANSLER: Ask it again for the</p> <p>15 record so we can have --</p> <p>16 MR. COON: Okay. Let me -- let me</p> <p>17 ask it -- we've got it all kind of messed up. Let</p> <p>18 me ask you one more time.</p> <p>19 Q. (BY MR. COON) Would it concern you -- as</p> <p>20 a business unit leader at Texas City with all the</p> <p>21 knowledge you have, would it concern you that the</p> <p>22 head of HSSE at a BP refinery thought that</p> <p>23 steel-toed boots was process safety?</p> <p>24 MR. BROWN: Objection, form.</p> <p>25 A. Yeah, it would concern me.</p>

<p style="text-align: right;">Page 66</p> <p>1 MR. COON: Okay. We'll take a 2 break. 3 THE VIDEOGRAPHER: Okay. Going 4 off record at 9:53. 5 (Recess taken.) 6 THE VIDEOGRAPHER: Tape 2, going 7 back on record at 10:05. 8 Q. (BY MR. COON) Mr. Maclean, before the 9 break, we had talked about a number of things. One 10 of those was the Telos Report. 11 My understanding is that you've at 12 least read over that at some point in the past; is 13 that correct? 14 A. Yes, some of it. 15 Q. I want to show you, sir, the indices. 16 The -- this is actually the introduction. 17 Do you recall seeing that summary 18 of the rankings of the issues as perceived by the 19 BP Texas City employees? 20 A. Yes. 21 Q. Do you recall seeing where the perception 22 of the employees of Texas City was that BP put 23 making money Number 1 and that people was dead last 24 in -- 25 A. Yes.</p>	<p style="text-align: right;">Page 68</p> <p>1 Q. And there were a lot of comments like 2 this: Temporary repairs like clamps, that is a big 3 leading indicator of trouble. 50 clamps on my 4 unit. 5 There were a lot of complaints 6 of -- of those kinds of issues, effectiveness of 7 the alarms. 8 This one here: Warning signs are 9 everywhere. The real ones we have addressed. 10 And the concerns about the lack of 11 funding and the application of Band-Aids on top of 12 Band-Aids. Corrosion under insulation is a big 13 deal. 14 This one here, for instance, "We 15 have warning signs every year. The last two or 16 three years of Amoco ownership and the current 17 BP practice of underinvesting in the operating 18 infrastructure is a warning. How long until the 19 assets begin to deteriorate from lack of 20 investment? We passed that mark a couple of years 21 ago. Look at the recent fire." 22 Thin pipe is an issue. "Thinning 23 pipe worries me the most." 24 Seeing all of those -- one like 25 this, "It seems like it all comes down to money.</p>
<p style="text-align: right;">Page 67</p> <p>1 Q. -- that survey? 2 A. I remember the table. 3 Q. When was it that you first saw that 4 table? 5 A. Shortly after I arrived at Texas City. 6 Q. How was it that the Telos Report was 7 brought to your attention? 8 A. It was part of the documentation I was 9 looking at right around the time of the 10 investigation of the incident. 11 Q. Was that a cause for concern to you, sir, 12 seeing that that was the perception of the 13 Texas City employees? 14 A. It was a concern and one which was 15 understandable, given the shape of the survey. 16 Q. Okay. We looked at a lot of the 17 specifics in here. For instance, if you go to this 18 section here talking about the "Conditions of the 19 kit." 20 And when we're talking about 21 "Conditions of the kit" and "Catastrophe," they 22 were actually talking about conditions of the 23 various units out at Texas City. That's what the 24 kit is, isn't it? 25 A. Uh-huh.</p>	<p style="text-align: right;">Page 69</p> <p>1 We tell them we need it. They tell us they don't 2 have the money. As soon as it blows up or someone 3 gets hurt, there's all sorts of money." 4 When you saw these kind of 5 summaries in here, what were your thoughts? 6 I mean, you just came out to the 7 plant after a major explosion, you go back and 8 you're provided with a comprehensive survey of the 9 attitudes and perceptions of the employees and 10 their comments. What did you think you were 11 walking into? 12 MR. BROWN: Objection, form. 13 A. The Telos Report contains an awful lot of 14 opinion. And -- and let me be very clear, I mean, 15 I respect people's opinion to this extent, to -- to 16 the extent that every day in Texas City, I say to 17 people, "What you say matters." 18 Now, I think where the Telos 19 Report is -- could -- lacks a little usefulness for 20 me is that it is a body of complaint. It's very 21 diverse -- diffuse. You know, no money, I -- I 22 don't really understand that; but what I tend to do 23 these days is go to people and say, "Okay. I can't 24 deal with your complaint; but if you could express 25 that as a concern for safety or as a concern for,</p>

<p style="text-align: right;">Page 70</p> <p>1 you know, the way you run your unit, then we can 2 take some action." 3 And that's what I do on a daily 4 basis. There are many examples around 5 BP Texas City where people have learned to actually 6 express a concern and see actions as a result of 7 the concern expressed. 8 Telos could have been a lot more 9 useful to me if it had been shaped like that; but 10 it is very general and very, very difficult to 11 extract actions out of -- out of base. 12 And let me just reflect on one 13 thing that you showed up there. Money. Money is 14 not a constraint. What is a constraint at 15 Texas City are the -- is -- is the availability of 16 human resources on the Gulf Coast. 17 Today in BP Texas City, we're 18 consuming about -- we will do this year about 15 to 19 18 million hours worked. 15 to 18 million hours 20 worked, that compares to the average American 21 refinery of about 3 to 4 million. So on that 22 basis, we are -- we are doing five times more work 23 at BP Texas City than most of the rest of the USA, 24 for reasons as multiple as Rita and the fire we had 25 on the -- on the -- on the ultracracker and so</p>	<p style="text-align: right;">Page 72</p> <p>1 Even if that's the inappropriate 2 term, I'm going to use it that way because it's 3 kind of your history with them. 4 And you put your arms around this 5 and you see the Telos Report that documents all 6 these complaints, just what were your thoughts? I 7 mean, you -- you see what you're walking in to. 8 A. Yeah. 9 Q. You see the problems. You see all the 10 complaints of underinvestment. You see all these 11 complaints from all these people that work there 12 and you're debriefed on this at some level to get 13 your arms around it, I mean, what were you 14 thinking? Were you saying, "This is no big 15 problem," "This is major problem"? 16 Just what were you thinking? 17 MR. BROWN: Objection, form. 18 A. What I was thinking was: We've got to 19 put some discipline, calmness and logic into doing 20 what we need to do straight away and what we need 21 to do for the next five to seven years. 22 I relied heavily on the Mogford 23 report, on the Stanley report. I observed what was 24 in the Telos Report, and we set -- we set to work. 25 So what was in my mind was: We</p>
<p style="text-align: right;">Page 71</p> <p>1 forth. 2 This is all aimed at bringing 3 BP Texas City back absolutely safely. Part of that 4 exercise is, "What people say matters." 5 We've learned a lot from our 6 people. There are tens of thousands of years 7 experience out there, and it is our job to pick 8 that up and make sure that what they say matters. 9 Now, that's where we are today. 10 Unfortunately, the Telos Report was not shaped like 11 that; and it is not as useful as it could be to me. 12 But, however, what I've done is make sure that 13 people can now express concerns on which we can 14 take actions. 15 MR. LINEBAUGH: Objection, 16 nonresponsive. 17 Q. (BY MR. COON) Mr. Maclean, I'll ask you 18 again, sir. 19 I'm just asking you: When you 20 came out to the plant and you'd had this 21 devastating explosion and Mr. Parus is put on leave 22 of absence and you fill his shoes. You don't 23 really have any transition. You're trying to get 24 your arms around all these problems out there as 25 what I'm going to call the "BP troubleshooter."</p>	<p style="text-align: right;">Page 73</p> <p>1 need to be calm, disciplined and put the right 2 program together, which became the "Focus on the 3 Future" Program. 4 Q. (BY MR. COON) All right. Did you look 5 at the issues associated with these deferred 6 turnarounds and the underinvestment in the 7 infrastructure as something that was going to be a 8 budgetary concern for you? 9 A. None of this is -- 10 MR. BROWN: Objection, form. 11 THE WITNESS: Sorry. 12 MR. BROWN: Go ahead. 13 A. None of this is a budgetary concern. The 14 concern for me is the avail -- the availability of 15 human crafts and engineering resources in the USA 16 to get done in a prioritized and calm way what we 17 need to do at BP Texas City. 18 Q. (BY MR. COON) So it's your testimony 19 that the budget wasn't an issue? 20 A. Well, it's not an issue while I'm here. 21 I can't comment on what it was like before. 22 Q. Kathleen Lucas works for you, doesn't 23 she? 24 A. Yeah. 25 Q. Has she expressed a concern over getting</p>

<p style="text-align: right;">Page 74</p> <p>1 fired because she was over budget on the 2 turnarounds that had been deferred? 3 A. Is that right? I haven't seen her -- 4 where did she say that? 5 Q. She said that about a month after you got 6 there, sir. 7 A. I'm sorry. I'm -- what -- 8 Q. Were you -- 9 A. What's your question? 10 Q. Yes, sir. 11 Were you aware that the person 12 that reports directly to you, Ms. Lucas, was 13 concerned that she would get fired because she was 14 over budget? 15 A. If -- 16 MR. BROWN: Objection -- 17 A. If -- 18 MR. BROWN: -- form. 19 A. If that was said -- and I have no 20 evidence that it was said -- then I would be 21 concerned. 22 Q. (BY MR. COON) We have a document, 23 Mr. Maclean. I will show it to you as soon as we 24 can pull it back out. 25 What about comments in here about</p>	<p style="text-align: right;">Page 76</p> <p>1 a plant? These comments about these guys were 2 proud of the fact that they were good firemen, they 3 could always address problems after they occurred 4 instead of -- 5 A. Okay. 6 Q. -- addressing them on the front end and 7 avoiding -- 8 MR. BROWN: Object -- 9 Q. (BY MR. COON) -- the issue? 10 MR. BROWN: Objection, form. 11 A. So what was the -- 12 Q. (BY MR. COON) Yeah. 13 A. Give me the text -- 14 Q. Sure. 15 Was that a concern of yours when 16 you looked through Telos and see where there were a 17 number of comments about the perception that they 18 were a reactive facility instead of proactive, that 19 they addressed problems after they occurred instead 20 of addressing them before they occurred? 21 A. These are general observations; and they 22 gave me no access to take any action on that 23 basis -- 24 Q. Okay. 25 A. -- of course.</p>
<p style="text-align: right;">Page 75</p> <p>1 running equipment to failure and near failure, that 2 BP is emphasizing safety and yet they're running 3 their equipment to near failure? Did those kind of 4 concerns in the Telos Report bother you? 5 A. Well, again, they're very general 6 observations; and, I mean, there are better reports 7 that I can take action on. 8 Q. What about where there were complaints 9 that canceling safety training and basic training 10 for the employees was a concern from a safety 11 standpoint out at the plant? 12 A. It would be a concern to me. And, in 13 fact, if we look forward, what I'm doing is 14 investing a junior college education in every human 15 being that works in BP Texas City today. 16 Q. What about the complaints in here where 17 BP Texas City was reactive instead of proactive 18 with respect to addressing issues of operations at 19 that facility? 20 A. I'm -- could you rephrase that? I'm not 21 sure the -- 22 Q. Yes, sir. 23 A. -- difference between -- 24 Q. Do you understand the difference between 25 being reactive versus proactive in the operation of</p>	<p style="text-align: right;">Page 77</p> <p>1 Q. When you look at all those types of 2 complaints in here, concerns addressed by the 3 employees, did you feel that this was something 4 that was isolated to the Texas City facility or was 5 it something that you had experienced was an issue 6 at other plants? 7 MR. BROWN: Objection, form. 8 A. My experience in workforces is if they're 9 asked general questions, they will give general 10 answers. My -- my experience also tells me that if 11 you really harness what they know about the 12 business, that's a valuable thing to do. 13 Q. (BY MR. COON) So you're saying that 14 these types of concerns addressed by the employees 15 at Texas City would not be atypical of those that 16 would be expressed of the employees at all of the 17 other plants? 18 A. I haven't seen Telos reports from other 19 plants. I have no idea. 20 Q. Sir, you were in charge of the Whiting 21 plant in '98 to 2001. 22 Did you know that there was a 23 survey done of that facility by Safety Performance 24 Management in June of 2005? 25 A. No.</p>

Page 78

1 Q. Have you seen what's titled "The  
 2 Behavioral Safety Culture Assessment Report of the  
 3 Whiting Business Unit, BP North America Refining"?  
 4 Have you ever seen that document, sir?  
 5 A. No.  
 6 Q. I will turn your attention to page 8 of  
 7 that document, sir.  
 8 Have you ever heard of that  
 9 consulting company before?  
 10 A. Tinley, I've -- oh, Dee Tinley-Strong.  
 11 SPM, Inc., no, I haven't heard of it.  
 12 Q. Were you aware that a survey was  
 13 conducted by that facility with the knowledge and  
 14 consent of BP North America to further understand  
 15 the cultural issues at the Whiting facility?  
 16 A. No.  
 17 Q. If you look at page 8 there, you will see  
 18 the summary of the findings regarding safety.  
 19 A. Page 8?  
 20 Q. Yes, sir.  
 21 A. Page 8. Paragraph 3 or --  
 22 Q. Okay. We'll put them on the monitor and  
 23 I'll show it to you.  
 24 That's Paragraph 3. I take it  
 25 this is the first time you have seen this

Page 79

1 particular report; is that correct?  
 2 A. (Examines document.)  
 3 Q. I want to call your attention to some of  
 4 these issues here. These were the issues noted in  
 5 the report that were concerns of the employees  
 6 there.  
 7 I want to point out this one here  
 8 in particular: Stressing that safety is Number 1  
 9 but, quote, running equipment to failure or near  
 10 failure, end quote.  
 11 Those were the same types of  
 12 expressed concerns that were contained in the Telos  
 13 Report with respect to Texas City, weren't they,  
 14 sir?  
 15 A. I have no understanding of that report.  
 16 I didn't know it was written. Whiting is not an  
 17 area I'm familiar with. I left there in 2001 or  
 18 something, that's four years.  
 19 Q. Okay. So this is the first time that  
 20 you've seen the report, the first time you've been  
 21 made aware that the complaints, as it relates to  
 22 running equipment to failure or near failure, was  
 23 similar as to Whiting as it was to Texas City?  
 24 A. Well --  
 25 MR. BROWN: Objection, form.

Page 80

1 A. It's a very general statement. I have to  
 2 dig underneath that.  
 3 Q. (BY MR. COON) Well, you would agree that  
 4 running equipment to failure or near failure is not  
 5 a good safety concept, is it, sir?  
 6 A. I don't agree with your -- your  
 7 assertion; but, yes, I would not run equipment to  
 8 failure.  
 9 Q. Okay. Well, it's not my assertion, sir.  
 10 I'm just reading what's contained in the actual  
 11 survey done by your company as it related to the  
 12 Whiting facility.  
 13 So this is their assertion of your  
 14 employees.  
 15 A. The assertion of the employees.  
 16 Q. You don't think your employees would make  
 17 up their concern that Whiting was running equipment  
 18 to failure or --  
 19 A. My --  
 20 Q. -- near failure, would you, sir?  
 21 A. My position is that I would not run  
 22 equipment to failure.  
 23 Q. Let's talk about the next one.  
 24 Encouraging employees to surface  
 25 safety concerns and report near misses and then,

Page 81

1 quote, waiting until something bad happens to fix  
 2 the problem, end quote.  
 3 Are you aware the employees at  
 4 Whiting were making these same complaints as were  
 5 made by the employees at Texas City in the Telos  
 6 Report?  
 7 A. No, I was not aware of that.  
 8 Q. I take it you would agree that it's not  
 9 good in a refinery to wait until something bad  
 10 happens before you fix the problem?  
 11 A. My personal position is that I make sure  
 12 that maintenance programs are designed as  
 13 preventative programs rather than fixing programs.  
 14 (Exhibit Number 777 marked for  
 15 identification.)  
 16 MR. COON: Counsel, we're going to  
 17 go ahead and attach this as 777.  
 18 (Mr. Tekell, Mr. Kebodeaux and  
 19 Ms. Chandler join the proceedings.)  
 20 Q. (BY MR. COON) Mr. Maclean, I don't need  
 21 to ask you any more questions specific in there.  
 22 But have you ever asked BP or  
 23 personnel under your employ to conduct a survey  
 24 similar to what you'll see there in front of you as  
 25 Exhibit 777 or similar to the one we see called the

<p style="text-align: right;">Page 82</p> <p>1 Telos Report in Texas City?  2 A. I have just completed a survey of  3 employees by a management consultant around the  4 safety issue. I have yet to see the final report.  5 Q. And this is from Texas City?  6 A. Yeah.  7 Q. And who was retained to do that work,  8 sir?  9 A. It was a subcontractor of an -- of a  10 company called JMW.  11 Q. And when is that report due or is it --  12 A. I'm --  13 Q. -- complete?  14 A. -- not quite sure.  15 Q. When were they retained, sir?  16 A. To the best of my memory, about four or  17 five months, four months ago.  18 Q. No idea when that report is due?  19 A. I can't tell you today.  20 Q. Have you been provided with any updates  21 with respect to findings to date?  22 A. Yes.  23 Q. Is that in a written format?  24 A. Yes.  25 Q. How comprehensive is this survey?</p>	<p style="text-align: right;">Page 84</p> <p>1 cut the budget.  2 Q. You do not recall receiving any type of  3 document that made a request that the Whiting  4 facility make an effort to cut their fixed  5 operating budget 25 percent --  6 A. There may --  7 Q. -- over a three-year period?  8 A. Well, there may be documents existing  9 referring to an intent to manage budgets, yeah.  10 Q. Well, I would take it that if you're the  11 business unit leader at a plant and you get a  12 letter or a request from headquarters to try to cut  13 your fixed operational budget 25 percent, that it  14 would be something that would cause you some degree  15 of anxiety --  16 A. It doesn't --  17 Q. -- if you remember?  18 A. It doesn't cause me anxiety. I mean, as  19 a business unit leader, you're managing your  20 business on the basics of safety, availability and  21 cost and profit. And if you've got a headquarters  22 or board or shareholders, you must expect them to  23 take an interest in -- in any aspect of that  24 business, including cost, including safety or  25 whatever.</p>
<p style="text-align: right;">Page 83</p> <p>1 A. Pretty comprehensive.  2 Q. It involved direct interviews of  3 employees?  4 A. Yes.  5 Q. Which ones?  6 A. A cross section, top to bottom.  7 Q. Who's in charge of an oversight of that  8 survey at BP?  9 A. I can't recall.  10 MR. COON: Counsel, we would  11 request a copy of whatever documents you have to  12 date on that, please, sir.  13 MR. BROWN: Well, send us a  14 request.  15 MR. COON: We have. I think it  16 would be a supplement to discovery that has been  17 out for a year.  18 Q. (BY MR. COON) Mr. Maclean, you were at  19 the Whiting facility in 1999 as the business unit  20 leader, correct?  21 A. Yes.  22 Q. Did you get a request from London to cut  23 your budget, sir?  24 A. I recall a request to examine the state  25 of the business. I don't recall it as a request to</p>	<p style="text-align: right;">Page 85</p> <p>1 Q. What is it that you recall with respect  2 to the request from London to cut your budget in  3 1999? Do you recall who made that request and how  4 that request was made?  5 MR. BROWN: Objection, form.  6 Go ahead.  7 A. I don't recall.  8 Q. (BY MR. COON) You don't recall anything  9 about it? Do you even recall a budget cut being  10 made?  11 A. I don't recall it as a specific request  12 for a specific cut. What I do recall is a request  13 for discipline in the way we ran our businesses.  14 Q. Did you lack discipline before then?  15 A. I think there was probably periods when  16 we could have done it better.  17 Q. Is that a "yes"?  18 A. I think there were periods when there was  19 room for improvement.  20 Q. Do you think that Whiting was already  21 wasting 25 percent of their money every year?  22 A. I don't think -- I don't think they were.  23 Q. Do you know what type of budget cuts the  24 Whiting facility had already had to undergo as a  25 result of financial woes of Amoco prior to the</p>

Page 86

1 merger?  
 2 A. No.  
 3 Q. Would you agree that Amoco had already  
 4 made significant reductions in the fixed  
 5 operational budget at that plant in the years  
 6 proceeding the merger?  
 7 A. I was unaware of that.  
 8 Q. Would you say it didn't happen or you  
 9 just don't know?  
 10 A. I don't know.  
 11 Q. And you don't know because you don't go  
 12 back and look at the history of the plant when you  
 13 come out there to run it; is that correct?  
 14 A. I --  
 15 MR. BROWN: Objection, form.  
 16 A. I am guided by history. I don't  
 17 necessarily have that as my sole reading in the  
 18 matter.  
 19 Q. (BY MR. COON) Have you ever heard a  
 20 statement, "Those who do not learn from history are  
 21 doomed to repeat it"?  
 22 A. Yeah, I've heard that comment. Yeah.  
 23 Q. Fair statement?  
 24 A. That's in -- in context, it's  
 25 appropriate.

Page 87

1 (Discussion off the record.)  
 2 Q. (BY MR. COON) Do you recall discussing  
 3 the budget cut of 1999 with other business unit  
 4 leaders and how they were addressing the request to  
 5 reduce their fixed operational budgets?  
 6 A. During that period there were many  
 7 meetings of the -- the business unit leader  
 8 network, at which meetings we always discussed  
 9 budget matters.  
 10 Q. Did you have an understanding that  
 11 different business unit leaders were taking the  
 12 25 percent budget cut more or less seriously?  
 13 A. I -- I don't recall that.  
 14 Q. Did you know Mr. Maslin?  
 15 A. Yes.  
 16 Q. He was the business unit leader over at  
 17 Coryton?  
 18 A. Yes.  
 19 Q. Have you seen his testimony in this case?  
 20 A. No.  
 21 Q. Have you ever had discussions with him  
 22 where he said that the request or the command from  
 23 London to cut the budget 25 percent was pretty  
 24 stupid?  
 25 A. No, I --

Page 88

1 MR. BROWN: Objection, form.  
 2 A. -- haven't seen that. I haven't seen  
 3 that.  
 4 Q. (BY MR. COON) You didn't know that? You  
 5 didn't know that he testified that it was  
 6 nonsensical to try to cut the budget?  
 7 A. I haven't seen his testimony.  
 8 Q. Do you know he testified that he felt  
 9 that he was punished for his refusal to cut the  
 10 budget because it would compromise safety and the  
 11 integrity of the facility?  
 12 MR. BROWN: Objection, form.  
 13 A. I haven't seen his -- his...  
 14 Q. (BY MR. COON) Have you seen the  
 15 testimony of Mr. Carter about all the budget cuts  
 16 he made to accommodate London when that budget  
 17 request was made in '99?  
 18 A. No.  
 19 Q. Do you have any clue as to what he cut?  
 20 A. No.  
 21 Q. Do you care what he cut?  
 22 A. No.  
 23 Q. It wouldn't matter to you if he cut the  
 24 staffing to the point where it jeopardized the  
 25 safety of operations?

Page 89

1 A. It would matter if that was the -- if  
 2 that was the -- if that's what he did.  
 3 Q. Well, I thought you said it doesn't --  
 4 you don't really care what he did?  
 5 A. No, it's not what I would do. I mean, I  
 6 think we've got to have the appropriate level of  
 7 resources to deliver what people are being held  
 8 accountable for.  
 9 Q. Do you think it would be a good idea to  
 10 cut all of your training?  
 11 A. I -- I would not cut my training.  
 12 Q. So if Mr. Carter decided to cut all the  
 13 training out, you would say that was a bad thing to  
 14 do?  
 15 A. If he did so.  
 16 Q. Do you think training is important?  
 17 A. I think it's very important.  
 18 Q. Why so, sir?  
 19 A. Because people need to be fairly equipped  
 20 to deliver the accountabilities they're asked to  
 21 deliver. We do that as training.  
 22 Q. Let's talk about reading the Mogford  
 23 report.  
 24 You saw in the investigation by  
 25 Mr. Mogford that he acknowledged that flares are

<p style="text-align: right;">Page 90</p> <p>1 inherently safer than blowdown drums?  2 A. Yes.  3 Q. Are you familiar with process safety  4 management enough to agree with that statement,  5 sir?  6 A. I would think he's been -- given the  7 service he's in, he's probably right.  8 Q. Did you have any understanding as to the  9 long and sad history of the operation of the  10 ISOM unit as it related to fires,  11 overpressurization, vapor releases and liquid  12 releases?  13 A. No.  14 MR. BROWN: Objection, form.  15 Q. (BY MR. COON) Did you know there was a  16 fire there in 1986?  17 A. I learned subsequently there was a fire  18 in '86.  19 Q. Did you know there was one in '87?  20 A. I learned subsequently there was one in  21 '87.  22 Q. Did you know there was one there in 1988?  23 A. I subsequently learned that.  24 Q. There was another one in 1999?  25 A. And so forth.</p>	<p style="text-align: right;">Page 92</p> <p>1 this minute. Maybe you could help me.  2 Q. That's the one that says we're not going  3 to use any more blowdown drums, a document that's  4 been the process safety standard at Amoco since  5 1977?  6 MR. BROWN: Objection, form.  7 A. I'm not -- I can't put my finger on that.  8 What I can point out to you,  9 though, at this point is that as a result of taking  10 seriously what people say and with regard to their  11 concerns, and particularly around atmospheric  12 blowdowns, people have -- have worked very  13 carefully on a possibility I stated, which was I  14 think it's possible to bring this refinery back up  15 without using a blowdown stack. And we've found a  16 way to do that through the capability and  17 commitment of the -- of the folks at BP Texas City.  18 So if you drive down Fifth Avenue  19 today, you will see at least three new 350-foot  20 flares, 28-inch burners, one of which is already in  21 service. And we made a commitment that we will not  22 operate any units in lighter than air hydrocarbon  23 surface without a flare.  24 Q. (BY MR. COON) And if that policy was in  25 effect March 23, 2005, this explosion would not</p>
<p style="text-align: right;">Page 91</p> <p>1 Q. Did you know there was another one in  2 1999?  3 A. I learned subsequently.  4 Q. Did you know that the blowdown drum  5 caught on fire in 2000 and it took them two days to  6 put it out?  7 A. Well, I didn't know that one.  8 Q. And that was because of a vapor release  9 emanating from the F-20. You didn't know about  10 that one?  11 A. I may. I don't recall. I mean, I did  12 look into the history of the ISOM.  13 Q. Did you know that there had been a number  14 of prior documented occurrences where vapors had  15 emanated from the blowdown drum, forming ground  16 level vapor clouds?  17 MR. BROWN: Objection, form.  18 A. I may well have come across that.  19 Q. (BY MR. COON) Would those be causes of  20 concern for you, sir, with your knowledge of  21 process safety management?  22 A. They're all of concern.  23 Q. Did you know anything about Process  24 Safety Standard Number 6?  25 A. Well, I don't recall it just right at</p>	<p style="text-align: right;">Page 93</p> <p>1 have occurred, would it, sir?  2 A. I think there are other issues to be  3 considered regarding the ISOM incident.  4 Q. You say if that process was in place and  5 that rule was in place March 23, 2005, you would  6 have still had an explosion like that?  7 A. I think you have to refer to the Mogford  8 report there. He studied the issue. I didn't.  9 Q. So you're sitting here today and you say  10 you have no clue one way or the other as to whether  11 or not, if you had gotten rid of that blowdown drum  12 before this explosion, that you would have still  13 had an explosion out there at all?  14 A. No, I believe --  15 MR. BROWN: Objection, form.  16 A. Yeah. I believe Mr. Mogford's statement  17 around the issue covers it.  18 Q. (BY MR. COON) What does it say?  19 A. Basically he said that it was an  20 engineering solution, but it would have been better  21 to have flares around the place.  22 Q. Sure.  23 And if you'd have had a flare  24 located somewhere safe, you wouldn't have had an  25 explosion in the middle of a unit --</p>

Page 94

1 A. I haven't --  
 2 Q. -- killing all of those people, would  
 3 you, sir?  
 4 A. Mr. Mogford's report really relates the  
 5 whole incident, and all I can say is that I -- I  
 6 got what Mogford said.  
 7 Q. Well, I understand, Mr. Maclean.  
 8 But you know enough about that  
 9 plant to know that if there was a flare located  
 10 somewhere else, instead of the blowdown drum in the  
 11 middle of the unit, that it would not have had an  
 12 explosion like that?  
 13 A. I -- I'm not sure. I can't comment on  
 14 that. I don't -- I mean, and I haven't done the  
 15 research that Mogford did.  
 16 Q. So you have got to have some kind of  
 17 research or study to tell you whether or not you  
 18 would have had an explosion like that --  
 19 A. No, we've already done --  
 20 Q. -- if you would have had a flare?  
 21 A. -- that. We've already done that study  
 22 and we've cooperated fully with OSHA and with CSB  
 23 and we will see their reports in the fullness of  
 24 time.  
 25 Q. So you have to rely upon studies to form

Page 95

1 an opinion?  
 2 A. Absolutely, yeah.  
 3 Q. You can't come to conclusions out of  
 4 common sense?  
 5 A. Well, I'm not going to guess.  
 6 Q. Well, can you just come to the reasonable  
 7 conclusions, based on your many years of experience  
 8 as to certain things, as to whether or not they're  
 9 likely to happen or not?  
 10 MR. BROWN: Objection, form.  
 11 A. I think Mr. Mogford is a senior opinion  
 12 here and I absolutely support the work he did and  
 13 it has guided my thinking around the issue.  
 14 Q. (BY MR. COON) So are you saying here  
 15 today you would just defer to everything on the  
 16 issues of what happened out there to Mr. Mogford?  
 17 A. Well, I have to, yeah.  
 18 Q. And you would have no personal opinion?  
 19 A. You know, personal opinion is not one  
 20 that you can take anywhere.  
 21 Q. But you can have it, can't you?  
 22 A. What -- sorry, what -- let's get back to  
 23 your original question.  
 24 Q. Yeah.  
 25 My original question is: Do you

Page 96

1 ever form your own opinions?  
 2 A. That wasn't your original question.  
 3 Q. Well, it is now.  
 4 Do you ever form your own  
 5 opinions?  
 6 A. In matters of business, I am frequently  
 7 guided by -- by inclusive thinking by a number of  
 8 people.  
 9 Q. I'm not sure if that's a "yes" or "no."  
 10 Do you ever form your own  
 11 opinions?  
 12 A. Yeah, but they're my business. They're  
 13 not -- they're not opinions that I'm going to  
 14 thrust on anybody else.  
 15 Q. Okay. But do you have an opinion, then,  
 16 a personal opinion, sir, from being a business unit  
 17 leader at plants before and after this explosion,  
 18 that if you would not have had that blowdown drum  
 19 there on March 23rd, that you would not have had an  
 20 explosion like that emanating from the middle of  
 21 the ISOM unit?  
 22 A. A number of issues play here. If the --  
 23 if the unit had been operating within its operating  
 24 envelope, it wouldn't have happened.  
 25 Q. That's not the question, sir.

Page 97

1 The question is: Would you have  
 2 had an explosion there, like the explosion that you  
 3 had on March 23rd, if, in fact, you had done what  
 4 Mr. Mogford had suggested in his report; and that  
 5 is, run the system to a flare in a safe location?  
 6 A. It would have minimized the outcome, I  
 7 would imagine.  
 8 Q. Likewise, if you would not have had  
 9 trailers located in such close proximity to the  
 10 unit, you would have significantly reduced the  
 11 likelihood of injuries and --  
 12 A. Absolutely.  
 13 Q. -- fatalities?  
 14 A. Yeah, yeah.  
 15 Q. And that's something you don't need a  
 16 study to tell you?  
 17 A. No, I mean, that's obvious, but then  
 18 circumstances change. I mean, it's a bit like, you  
 19 know, the way the world changed after 9/11. Well,  
 20 for us the world changed after 3/23.  
 21 Q. Sure.  
 22 So you're saying that some things  
 23 are obvious and you don't need a study to tell you?  
 24 A. That's pretty obvious, yeah.  
 25 Q. For instance, have you ever been in a

<p style="text-align: right;">Page 98</p> <p>1 trailer?  2 A. Have I ever been in a trailer?  3 Q. Yes, sir.  4 A. Yes.  5 Q. Would you want to be in a trailer that's  6 rolling down a hill?  7 A. No.  8 Q. Why not?  9 A. I might get injured.  10 Q. Do you need a study to tell you that?  11 A. No, I don't -- actually, prior to 3/23,  12 that was industry practice.  13 Q. To roll trailers down a hill?  14 A. No, to have trailers inside the fence  15 filled with people.  16 MR. BOND: Objection,  17 nonresponsive.  18 MR. BROWN: Answer his questions.  19 A. Okay. What's -- what's the question?  20 Q. (BY MR. COON) Sure. The question is:  21 Do you --  22 A. Oh, I see, you want me to answer his  23 questions.  24 Q. Sure.  25 A. All right.</p>	<p style="text-align: right;">Page 100</p> <p>1 Q. Okay. Do you have more common sense than  2 Mr. Pillari?  3 A. No, I'm just --  4 MR. BROWN: Objection --  5 A. -- different.  6 MR. BROWN: -- form.  7 A. I'm just different.  8 Q. (BY MR. COON) Mr. Maclean, did you know  9 that the ISOM unit was converted from an  10 ultraformer unit that preexisted it?  11 A. Yes.  12 Q. Did you know that when it was designed in  13 1984 as a conversion that the F-20 blowdown drum  14 was preexisting equipment?  15 A. Subsequently I learned that, yeah.  16 Q. That is, that was equipment that was  17 utilized as the vent system for the unit as it was  18 built state-of-the-art in the 1950s?  19 A. Yes.  20 Q. Did you know that there was consideration  21 to transfer the vent system from a blowdown drum to  22 a flare in 1984 when the ISOM conversion took  23 place?  24 A. No, I wasn't.  25 Q. Were you --</p>
<p style="text-align: right;">Page 99</p> <p>1 Q. Yeah, that's kind of why we're here  2 today.  3 A. All right.  4 Q. Okay. The question is: Do you need a  5 study to tell you, sir -- using your common sense,  6 do you need a study to tell you that you can get  7 injured if you got in a trailer and rolled it down  8 a hill?  9 A. No.  10 Q. So I take it you would not volunteer to  11 get in a trailer and roll it down a hill to see  12 what happened to you?  13 A. You're right.  14 Q. You probably have no clue why I'm asking  15 you that, do you?  16 A. (Shakes head.)  17 Q. Do you know Ross Pillari?  18 A. Yes.  19 Q. Do you understand he's the president of  20 BP North America, or at least was until very  21 recently?  22 A. Yes.  23 Q. He testified he would need to see a study  24 before he would do that.  25 A. Okay. Well, I'm not Ross.</p>	<p style="text-align: right;">Page 101</p> <p>1 A. I may -- I -- I can't recall.  2 Q. Were you aware that they canceled that,  3 being your company canceled that, based on a  4 decision that it would cost them \$2.4 million to --  5 A. I --  6 Q. -- run to a flare?  7 A. I recall being referred to that event.  8 Q. Is it fair to say that the reason that a  9 flare was not utilized in the redesign of that unit  10 was a cost consideration?  11 MR. BROWN: Objection, form.  12 A. I recall that the -- the design was not  13 carried out. I don't recall any reasons given.  14 Q. (BY MR. COON) There were about  15 2.4 million reasons, weren't there, sir?  16 MR. BROWN: Objection, form.  17 Q. (BY MR. COON) You were unaware that --  18 you were unaware that they considered running it to  19 a flare in 2000 -- in 1984, but they canceled it  20 because it was going to cost \$2.4 million?  21 A. I don't recall the number. I don't  22 recall the -- you know, the details of the -- of  23 the proposal. I do recall that it was canceled.  24 Q. And it was canceled because of the cost  25 factor.</p>

<p style="text-align: right;">Page 102</p> <p>1 A. Okay.</p> <p>2 Q. Although you don't remember the amount,</p> <p>3 you knew it was a cost factor?</p> <p>4 MR. BROWN: Objection, form.</p> <p>5 Q. (BY MR. COON) You were aware of that,</p> <p>6 weren't you, sir?</p> <p>7 A. I --</p> <p>8 MR. BROWN: Objection, form.</p> <p>9 A. I was not aware of why it was canceled.</p> <p>10 I was aware it was canceled.</p> <p>11 Q. (BY MR. COON) Well, it certainly</p> <p>12 wouldn't be because the blowdown drum is an</p> <p>13 inherently safer system than the flare, is it, sir?</p> <p>14 A. Sorry?</p> <p>15 Q. It's just the opposite? Flares are safer</p> <p>16 than blowdown drums, aren't they?</p> <p>17 A. We've got that, yeah.</p> <p>18 Q. Now, you do not know about Process Safety</p> <p>19 Standard Number 6 that says: Don't use blowdown</p> <p>20 drums?</p> <p>21 A. Give me the reference.</p> <p>22 Q. Yes, sir. I just did. Process Safety</p> <p>23 Standard 6.</p> <p>24 A. Was that a -- is that an Amoco standard</p> <p>25 or a BP standard or where does it come from?</p>	<p style="text-align: right;">Page 104</p> <p>1 that there had been no relief valve study done at</p> <p>2 that unit in 20 years?</p> <p>3 MR. BROWN: Objection, form.</p> <p>4 A. I was not aware of that.</p> <p>5 Q. (BY MR. COON) Is it a good idea to</p> <p>6 forego relief valve studies for 20 years?</p> <p>7 MR. BROWN: Objection, form.</p> <p>8 A. If -- if the premise is correct, I mean,</p> <p>9 I wouldn't go that long.</p> <p>10 Q. (BY MR. COON) Mr. Maclean, I want to</p> <p>11 show you a document that is marked</p> <p>12 Exhibit Number 312. This was an e-mail that was</p> <p>13 discussed in Mr. Pierpoline's deposition.</p> <p>14 Do you know Mr. Pierpoline?</p> <p>15 A. He was in BP Petrochemicals many years</p> <p>16 ago.</p> <p>17 Q. Have you seen his deposition?</p> <p>18 A. No.</p> <p>19 Q. I want to show you this exhibit because</p> <p>20 it talks about you.</p> <p>21 Are you aware Mr. Pierpoline sent</p> <p>22 an e-mail -- or, actually, Mr. Hay sent</p> <p>23 Mr. Pierpoline an e-mail.</p> <p>24 Do you know Mr. Hay, James Hay?</p> <p>25 A. Yes, he used to be in petrochemicals.</p>
<p style="text-align: right;">Page 103</p> <p>1 Q. It is, my understanding, an Amoco</p> <p>2 Heritage document.</p> <p>3 A. I'm not familiar with it.</p> <p>4 Q. You would agree that BP had a process</p> <p>5 safety standard that advocated the removal of</p> <p>6 blowdown drums?</p> <p>7 A. If that was part of an overall safety</p> <p>8 standard with -- with application to the</p> <p>9 atmospheric blowdown relief systems, yeah.</p> <p>10 Q. Did you know that there was actually a</p> <p>11 team put together in 1992 to address the blowdown</p> <p>12 drums and make an effort to remove them all from</p> <p>13 all BP Amoco facilities --</p> <p>14 A. I was unaware of that.</p> <p>15 Q. -- all of their facilities?</p> <p>16 MR. BROWN: Objection, form.</p> <p>17 Q. (BY MR. COON) Did you know that that</p> <p>18 project was killed because of budgetary issues?</p> <p>19 A. I was unaware of that.</p> <p>20 Q. Did you know that there was an effort</p> <p>21 made to get rid of the blowdown drum in 2002 at the</p> <p>22 ISOM unit as part of the Clean Streams project?</p> <p>23 A. I was unaware of that.</p> <p>24 Q. Did you know that was killed because of</p> <p>25 two reasons, one was budgetary concerns and two was</p>	<p style="text-align: right;">Page 105</p> <p>1 He's no longer with us.</p> <p>2 Q. Did you know him in the 2000, 2002 time</p> <p>3 frame?</p> <p>4 A. Yes.</p> <p>5 Q. I took it he knew you?</p> <p>6 A. Yes.</p> <p>7 Q. That would have been about the time that</p> <p>8 you would have been out at Whiting as the business</p> <p>9 unit leader?</p> <p>10 A. 2002? I think that might have been with</p> <p>11 reference to my early period at Grangemouth.</p> <p>12 Q. Okay. I want to show you this second</p> <p>13 page of this, sir. If you would read that e-mail,</p> <p>14 please, sir?</p> <p>15 A. Which -- where do you want me to read</p> <p>16 out?</p> <p>17 Q. If you would just look at that last --</p> <p>18 that last e-mail there, I'll put it on the monitor</p> <p>19 and ask you a couple of questions.</p> <p>20 A. From James Hay?</p> <p>21 Q. Yes, sir.</p> <p>22 That was to Mr. Pierpoline?</p> <p>23 A. So you -- you were -- I don't see a</p> <p>24 reference to me in there. Is that something else?</p> <p>25 Q. Well, I think it is you; but I'm going to</p>

<p style="text-align: right;">Page 106</p> <p>1 ask and see if you can identify it.  2 A. All right.  3 Q. And this is an e-mail that we used in  4 Mr. Pierpoline's deposition, and he talked to us  5 about it.  6 The second page of this, sir, this  7 was, again, to Mr. Pierpoline and Mr. Hay. These  8 are the two individuals that you said you knew?  9 A. Yeah.  10 Q. Importance high. It's talking to David  11 from Jim. And it goes on to talk about -- and you  12 weren't there, but this was something  13 Mr. Pierpoline told us he received from Mr. Hay  14 because Mr. Pierpoline was being transferred over  15 to the Texas City facility, which was called the  16 South Houston complex at the time.  17 You knew that, didn't you?  18 A. Oh, I see. There you go. Okay.  19 Q. Okay.  20 A. Okay.  21 Q. And it talks about a feedback session  22 with Mike Hoffman.  23 You knew Mike Hoffman, didn't you?  24 A. Yes.  25 Q. And it's talking about why Mr. Pierpoline</p>	<p style="text-align: right;">Page 108</p> <p>1 Q. Who is that?  2 A. Jeanne Johns.  3 Q. Okay. Who is that?  4 A. I think at that time -- I'm not sure what  5 her job was, but she was in -- she was in refining  6 and marketing.  7 Q. Okay. And if you would read that  8 paragraph for us, please, sir?  9 A. "I agree with Jeanne Johns and with Don  10 Parus that you are best placed to lead on this with  11 ATK help."  12 Q. Do you know who ATK is?  13 A. That's A.T. Kearney of the Kearney group.  14 Q. Okay. That's the consulting group that  15 worked with Veba, right?  16 A. With who?  17 Q. In the Veba report of 2002?  18 A. Okay. "Use Donald to test ideas,  19 et cetera. Don also requested that you involve" --  20 "that you involve and work as a team with Andy  21 Fiedler from refining. It would be good if you  22 could go back to, say, 1995 when Texas was the  23 Amoco jewel. I think the downturn in Amoco  24 fortunes then caused cuts and changes at Texas that  25 were maybe the root of the problems. Then in 1999,</p>
<p style="text-align: right;">Page 107</p> <p>1 is being assigned to the South Houston complex. I  2 want you to read this paragraph here first, sir.  3 (Indicating). It's talking about Mike being Mike  4 Hoffman.  5 Can you read that out loud?  6 A. "Mike asked that we follow up on a  7 further issue. How has South Houston gotten into  8 such a poor state? This is not to start a witch  9 hunt but to try and learn what we must get right or  10 avoid such that no other site gets there. Mike's  11 concerned that the top level in London need to  12 understand the consequences of their orders.  13 "Also, gossip in Veba as to how  14 long before BP's style and approach attracts  15 Gelsenkirchen. So not a witch hunt and also must  16 not distract Don" -- I guess Parus -- "and his team  17 from getting it all sorted."  18 Q. Okay. Now that we have laid that as a  19 groundwork, this next paragraph, I think this talks  20 about you.  21 It says, "I agree with Jeanne" --  22 is that Jeanne or Jeanine, Jane?  23 A. Jeanne.  24 Q. Do you know who that is?  25 A. Yes.</p>	<p style="text-align: right;">Page 109</p> <p>1 BP with our cut by 25 percent. It seems to have  2 been taken literally at South Houston, whereas,  3 say, Colin" -- Maclean, I guess -- "knew how to  4 play the BP game at Whiting. I hope this gives you  5 a sense of what we are after. You need to report  6 to MH around week two in September."  7 Q. Okay. Now, this talks about the budget  8 cut that we discussed earlier; and that is, the  9 London cut of 25 percent that emanated in 1999.  10 That's what they're referencing  11 here, isn't it?  12 A. Well, yeah.  13 Q. So basically Mr. Hay's overview of this  14 is that you have two problems out at Amoco Texas  15 City that Mr. Pierpoline was sent down to help  16 address; and that was, one, that they recognize  17 that they have a problem at Texas City that it is  18 in a poor state.  19 That's what this acknowledges,  20 right, Texas City is in poor shape?  21 A. Apparently so, yeah.  22 Q. And while they're not blaming people, it  23 said it's not a witch hunt, but we got to go out  24 here and fix the problem. And it goes on to say  25 why they think this problem existed.</p>

<p style="text-align: right;">Page 110</p> <p>1 And one was that there had already 2 been some serious financial issues with Amoco 3 through the '90s, and that was compounded by a 4 budget cut of 25 percent by BP in '99. 5 That's kind of what this paragraph 6 says, isn't it? 7 MR. BROWN: Objection, form. 8 A. That's what it says. 9 Q. (BY MR. COON) Okay. Now, it goes on 10 here when it says, "Then in 1999, BP, with our cut 11 by 25 percent," it says, "seems to have been taken 12 literally at South Houston," which indicates that 13 the leadership there took the budget cut request 14 from London and applied it literally. 15 Instead of as a suggestion, it was 16 more of a command. That's what that infers there, 17 doesn't it? 18 A. Probably. 19 Q. And then it goes on to say, "whereas," 20 you, sir, "Colin Maclean knew how to play the 21 BP game at Whiting." 22 Now, this indicates that you were 23 at Whiting in '99 when the budget cut of 25 percent 24 came out. And I think you've testified that that 25 was correct.</p>	<p style="text-align: right;">Page 112</p> <p>1 that listed out all of the line item budget cuts 2 that were made by Mr. Carter and Mr. Scruggs in 3 1999 and 2000 to address the request from London to 4 cut their fixed operational budgets 25 percent? 5 A. I never saw anything like that. 6 Q. Did you ever ask to see anything to get a 7 better understanding as to what it was that was cut 8 and how to address it? 9 A. No. 10 Q. Do you know that one of the things that 11 resulted from that budget cut was to reduce the 12 number of operators on the ISOM unit? 13 A. I have no information. 14 Q. Do you know that one of the things that 15 was cut specific to that request from London was to 16 go from two board operators to one in the 17 ISOM unit? 18 A. I have no information on that. 19 Q. Did you know that that budget cut was 20 made by Mr. Carter as a direct response to the 21 request from London to reduce their operational 22 budget 25 percent? 23 MR. BROWN: Objection, form. 24 A. I have no information. 25 Q. (BY MR. COON) Did you know that the</p>
<p style="text-align: right;">Page 111</p> <p>1 It says here that you knew how to 2 play the BP game there. So what game is it that 3 you would play to avoid those 25 percent budget 4 cuts? 5 A. Well, I don't think -- 6 MR. BROWN: Objection, form. 7 A. Well, I don't think it's a game. I think 8 it's a competent and professional way to run a 9 business; and that is, to have budget overviewed by 10 your shareholders so that you actually are tested 11 to the point where you've got the right budget. 12 (Discussion off the record.) 13 Q. (BY MR. COON) Mr. Maclean, did you cut 14 the budget 25 percent at Whiting as a request from 15 London to do so? 16 A. I don't recall. 17 Q. You don't recall whether you did or 18 didn't? 19 A. I don't know. I don't recall whether I 20 did or didn't. 21 Q. Did you ever get an understanding as to 22 what Texas City did in response to that mandate 23 from London? 24 A. I have no information on that. 25 Q. Did you ever see any of the documents</p>	<p style="text-align: right;">Page 113</p> <p>1 union expressed a concern to the plant that it 2 would be unsafe to operate that control room with 3 only one board operator? 4 A. I have no information. 5 Q. Did you know that after that board was 6 cut from two operators to one, that another unit 7 was added to that same control room in 2003 -- 8 A. I'm not aware of -- 9 Q. -- the NDU? 10 A. No information. 11 Q. Did you know that after the NDU was 12 added, that again the union brought to the 13 attention of management the need to have two board 14 operators out of safety concerns? 15 A. No. 16 Q. Do you know that management personnel, 17 including Paul Trapp, who was the ISOM supervisor, 18 also went to other people in management and urged 19 reconsideration to having two board operators in 20 there out of safety concerns? 21 A. No. 22 MR. BROWN: Objection, form. 23 Q. (BY MR. COON) Did you know that? 24 A. No. 25 Q. Does that concern you?</p>

Page 114

1 A. I mean, the whole area is just one which  
 2 is foreign to me. I was not associated with  
 3 Texas City at that time. I never have been  
 4 associated with Texas City. I was unaware of these  
 5 events.  
 6 Q. Did you make any effort to understand  
 7 what had been going on out there when you arrived  
 8 to help address the problems that existed there in  
 9 order to better understand or fix them?  
 10 A. Very much so. On a daily basis I -- I  
 11 reminded people that what they said mattered, and I  
 12 made it very plain that I was about -- I was ready  
 13 to listen to them face-to-face.  
 14 Q. Where were you when the explosion  
 15 occurred, sir?  
 16 A. I was in St. James Square.  
 17 Q. How did you find out about it?  
 18 A. A telephone call.  
 19 Q. What was your response?  
 20 A. Shock, deep concern.  
 21 Q. When was the first time you arrived at  
 22 the Texas City facility?  
 23 A. The official day is May 15th.  
 24 Q. When was it you were first considered, to  
 25 your knowledge, for replacement of Mr. Parus for

Page 115

1 that location?  
 2 A. Probably about -- probably about three  
 3 weeks after the event. Now, that's not an accurate  
 4 recall. I just think it was around then.  
 5 Q. Who did you meet with at BP prior to  
 6 going to Texas City?  
 7 A. I spoke with Mike Hoffman and John  
 8 Manzoni.  
 9 Q. What were those discussions generally  
 10 about?  
 11 A. They were basically offers and requests  
 12 with regard to my moving to Texas City.  
 13 Q. When you arrived out there, was Mr. Parus  
 14 on the scene?  
 15 A. No.  
 16 Q. Do you know how it was he was removed  
 17 from his position?  
 18 A. I knew he had been put on administrative  
 19 leave, I think the term is.  
 20 Q. Do you have an understanding why he was  
 21 put on administrative leave?  
 22 A. I -- I mean, I -- this was a normal thing  
 23 that happens after -- after a business event of  
 24 such magnitude.  
 25 Q. Did you know Mr. Pillari told the press

Page 116

1 that Mr. Parus was being transferred to a role in  
 2 the investigation into this incident?  
 3 A. I was not -- I don't recall.  
 4 Q. In fact, he was not transferred to a role  
 5 in the investigation, was he, sir?  
 6 A. I was not privy to any of that  
 7 organizational stuff.  
 8 Q. Well, since your arrival in May of 2005,  
 9 you're not aware of anything that he has done on  
 10 behalf of BP, are you, sir?  
 11 A. No.  
 12 Q. Have you talked to him?  
 13 A. I spoke to him once on the telephone.  
 14 Q. When was that?  
 15 A. Shortly after I arrived.  
 16 Q. Did Mr. Parus offer to assist you in the  
 17 transition?  
 18 A. I don't recall. I think we -- we made a  
 19 tentative -- tentative arrangement that once I got  
 20 my feet under the table, we would meet for lunch.  
 21 Q. And you did not, did you?  
 22 A. No.  
 23 Q. Why was it that you made no effort to  
 24 meet with Mr. Parus, at least informally, to get a  
 25 better understanding of his perception of things to

Page 117

1 assist you in the transition?  
 2 A. I decided that I wanted to shape my own  
 3 views with our revitalized team.  
 4 Q. Do you understand that Mr. Parus is under  
 5 an accountability investigation by BP at the  
 6 present time?  
 7 A. Is that so? I have -- I have no  
 8 information.  
 9 Q. Are you aware of any accountability  
 10 investigation initiated by your employer at this  
 11 time regarding responsibilities of persons in the  
 12 chain of command associated to what happened at  
 13 Texas City on March 23rd?  
 14 A. Try -- try and be a little more specific.  
 15 Q. Yes, sir.  
 16 Are you aware of any investigation  
 17 initiated by BP at the present time to look at the  
 18 conduct and decisions of people in the chain of  
 19 command as it relates to the incident of March 23,  
 20 2005?  
 21 A. I have been interviewed once with regard  
 22 to -- what the hell was that? I can't -- I mean,  
 23 I've -- can you be more specific and I'll try and  
 24 help?  
 25 Q. Well, we have the Mogford

Page 118

1 investigation --  
 2 A. Yeah.  
 3 Q. -- that was done by BP after the  
 4 incident, correct?  
 5 A. Yeah.  
 6 Q. You didn't have any role in that, did  
 7 you, sir?  
 8 A. No.  
 9 Q. And after that report was disseminated in  
 10 December of 2005, BP initiated another  
 11 investigation internally with respect to what's  
 12 called an accountability assessment --  
 13 A. Okay.  
 14 Q. -- right?  
 15 Are you familiar with that?  
 16 A. I'm just trying to recall who -- who I've  
 17 spoken to.  
 18 Q. Okay. Well, first of all, are you  
 19 familiar with what is being called an  
 20 accountability assessment by BP?  
 21 A. I'm -- that doesn't ring a bell. It  
 22 doesn't seem to be linked to my thinking.  
 23 Q. You're not aware of any investigation BP  
 24 is initiating at the present time to look at the  
 25 conduct and decision-making of Mr. Hoffman,

Page 119

1 Mr. Parus, Mr. Gower, other people in the chain of  
 2 command that could be held partially responsible  
 3 for the decisions that led to the explosion of  
 4 March, '05?  
 5 A. What we've got here -- this relates to  
 6 the way BP is structured. Let me just stay with  
 7 this for a minute.  
 8 We've got three kind of lines of  
 9 accountability in BP. The first is the line. I'm  
 10 in the line. You know, the line is me, Gower,  
 11 Hoffman, Manzoni.  
 12 The second thing is function. And  
 13 the example of a function leader is John Mogford.  
 14 And I have an accountability to ensure that if I  
 15 make any decisions, I have taken the appropriate  
 16 functional advice.  
 17 The third line of inference in BP  
 18 is the region. And an example of a regional leader  
 19 is our new USA president, Bob Malone.  
 20 Now, I spoke to -- I mean, after  
 21 the ISOM, Mogford was the functional input.  
 22 Hoffman's the line input, and the regional input  
 23 was taken care of by a -- by the -- by a regional  
 24 guy.  
 25 Q. Who was that?

Page 120

1 A. A German guy.  
 2 Q. Is that Bonser?  
 3 A. That's it.  
 4 I had a very brief conversation  
 5 with him about who was doing what, what was the  
 6 organization. It was actually an organizational  
 7 discussion, I think.  
 8 Q. When did you have a discussion with  
 9 Mr. Bonser?  
 10 A. I can't recall exactly. It might have  
 11 been three months ago.  
 12 Q. What was that discussion about?  
 13 A. It was about organizational issues around  
 14 refining and marketing.  
 15 Q. Did he ask you for any of your opinions  
 16 regarding how the plant had operated prior to your  
 17 arrival?  
 18 A. Yes. He probably did, yeah.  
 19 Q. Did he ask you --  
 20 A. He may have done.  
 21 Q. Did he ask you any questions specific to  
 22 Mr. Parus?  
 23 A. He may have done, but I had no specific  
 24 answers.  
 25 Q. Did he ask you questions specific to

Page 121

1 Mr. Gower or Mr. Hoffman?  
 2 A. I -- I don't really recall. I can't  
 3 recall.  
 4 Q. Do you know who initiated this  
 5 investigation?  
 6 A. No.  
 7 Q. Did you give a statement?  
 8 A. Did I give a statement?  
 9 Q. Yes, sir.  
 10 A. No.  
 11 Q. Was anything taken down, written,  
 12 notes --  
 13 A. Not that I --  
 14 Q. -- recording?  
 15 A. Not that I recall observing.  
 16 Q. Did Mr. Bonser take notes?  
 17 A. Not that I recall observing.  
 18 Q. Was anyone with him?  
 19 A. I can't recall.  
 20 Q. Where did this occur?  
 21 A. In Texas City -- well, no, no. Hang on.  
 22 It happened at Westlake.  
 23 Q. Mr. Maclean, we're about to take a break;  
 24 but I found the document regarding Ms. Lucas --  
 25 A. Okay.

Page 122

1 Q. -- that we talked about earlier. Now --  
 2 A. Okay.  
 3 Q. -- this is from Ms. Lucas.  
 4 She works for you, right?  
 5 A. Yeah.  
 6 Q. To Mr. Nelson.  
 7 Do you know Mr. Nelson?  
 8 A. No.  
 9 Q. Interestingly, this is dated March 23,  
 10 2005. That was the actual date of the explosion,  
 11 isn't it?  
 12 A. All right.  
 13 Q. And she is talking to this gentleman. I  
 14 want to call your attention to the second paragraph  
 15 here.  
 16 Can you read that for us, sir?  
 17 A. The second paragraph?  
 18 Q. Yes, sir.  
 19 A. "The refinery here is amazing" -- I think  
 20 Kathleen had just arrived?  
 21 Q. She had.  
 22 A. "We are overrunning our entire budget" --  
 23 Q. That's the turnaround budget, isn't it?  
 24 A. Yeah.  
 25 -- "tremendously, 20 plus million;

Page 123

1 but I have to say that I couldn't turn some of this  
 2 work down as it is critical to the safety of the  
 3 unit, corrosion issues, cracking metal, et cetera.  
 4 I'll probably ultimately get fired over some of the  
 5 cost issues, but I have to feel I am doing the  
 6 right thing. Anyway, travel has slowed. So that's  
 7 good."  
 8 Q. Did Ms. Lucas discuss anything associated  
 9 to this turnaround budget being in excess of what  
 10 had been allocated and concerns she had about her  
 11 termination as a result of these excess budget  
 12 overruns?  
 13 A. Not at all.  
 14 MR. COON: We will take a break  
 15 now.  
 16 THE VIDEOGRAPHER: Going off  
 17 record at 11:03.  
 18 (Lunch recess taken.)  
 19 THE VIDEOGRAPHER: All right.  
 20 This is Tape 3. Going on the record at 11:16.  
 21 \* \* \*  
 22 EXAMINATION  
 23 Q. (BY MR. BUZBEE) Sir, how do we know that  
 24 next week BP is not going to kill another  
 25 15 people?

Page 124

1 MR. BROWN: Objection, form.  
 2 A. I don't think any of us come to work  
 3 wishing to do that.  
 4 Q. (BY MR. BUZBEE) Well, I mean, are you  
 5 saying that prior to killing the last 15 you killed  
 6 that there was some desire to -- to kill someone?  
 7 I mean --  
 8 A. Well, did --  
 9 MR. BROWN: Objection, form.  
 10 A. I think that's quite tasteless.  
 11 Q. (BY MR. BUZBEE) Okay. So how is it that  
 12 the folks in Texas City, the folks in Galveston  
 13 County, the people, the families of those who were  
 14 killed, the people -- more than 800 who were  
 15 injured and their families, how are they -- what  
 16 sense of confidence can you give us that next week  
 17 you guys aren't going to kill or injure other  
 18 people?  
 19 MR. BROWN: Objection, form.  
 20 A. What we've got to do is be very clear  
 21 about the way forward for BP Texas City, which a  
 22 large part of which is the "Focus on the Future"  
 23 program, which started shortly after the  
 24 ISOM incident and was accelerated by Hurricane  
 25 Rita, in which, you know, every issue identified by

Page 125

1 the various investigative reports at the time had  
 2 been acted on and set firmly in a program that's  
 3 going to last, like, from six months ago through  
 4 till the next five years.  
 5 Q. (BY MR. BUZBEE) Tell me what issues you  
 6 are talking about have been acted upon at this --  
 7 A. Well --  
 8 Q. -- point.  
 9 A. -- you know, the -- the very early things  
 10 we just had to get done straight away as a result  
 11 of the changed circumstances and the shock and  
 12 the -- the -- of -- of the tragedy on 3/23 was we  
 13 had to get trailers out of the -- out of the plant  
 14 and that was one of the first things that we did.  
 15 We now have no one in trailer  
 16 accommodations inside the fence. We've set up a  
 17 new contractors headquarters outside of the fence.  
 18 We have opened a new office in BP in Texas City on  
 19 Palmer Avenue.  
 20 We just bought a new office  
 21 building on Texas Avenue. And we have located many  
 22 premises well outside the refinery fence where  
 23 we're going to do our work in the future to take  
 24 people out of harm's way. That's Item 1.  
 25 Item 2 is we -- we removed all the

<p style="text-align: right;">Page 126</p> <p>1 vehicles we could out of the plant and established  2 bus routes to -- to bus in contract and BP labor to  3 their work sites from -- from remote locations.  4 The third thing we've done is  5 broke ground on a -- on a new employee services  6 building, which will provide medical and training  7 support plus up-to-the-minute changing  8 accommodation for the BP workforce that comes to  9 work at the beginning of every shift.  10 That's a substantial new  11 investment just right at the front of the refinery.  12 So those are -- those are pretty immediate and  13 visible signs of change.  14 Less visible is the enormous  15 training effort -- effort we've put in. A large  16 portion of the new building up in Texas City is  17 training facilities; and we're running sort of 150,  18 200 people a day through those training facilities,  19 ranging everything from refine -- from distillation  20 basics through operating procedures right up to  21 senior leadership training.  22 We are investing the equivalent of  23 a -- of a junior college degree in every human  24 being in BP Texas City. Those are four things  25 which speak directly to our commitment that the</p>	<p style="text-align: right;">Page 128</p> <p>1 before they ever touch the -- touch the controls.  2 I could go on. There are many,  3 many investments to be made in BP Texas City as --  4 as a significant asset in the BP Group and a  5 significant employer of people in this region.  6 Q. All those things you just mentioned cost  7 money, I assume?  8 A. Uh-huh.  9 Q. "Yeah"?  10 A. Yeah.  11 Q. I guess the real question is: How come  12 you guys didn't do any of this before March 23 of  13 2005?  14 A. Many things were in action before  15 March 23, 2005. I think what the industry learned  16 after 3/23 was that all practices regarding  17 trailers, vehicles and plants had to change.  18 Q. Maybe you figured out that the public  19 wasn't going to stand for that sort of unsafe  20 practice anymore?  21 A. I don't think we --  22 MR. BROWN: Objection, form.  23 Okay. Go ahead.  24 A. We learned -- we learned that it was  25 not -- not appropriate to do that within these</p>
<p style="text-align: right;">Page 127</p> <p>1 ISOM should not happen again.  2 The fifth thing, which is very  3 visible, is the already removal and restart of --  4 the restart of the Tier 1 units, which takes us to  5 200 odd, 1000 barrels a day, without the use of  6 blowdown stacks and the removal of all stacks  7 associated with Tier 1 units and ongoing  8 engineering studies and capital investment to take  9 the rest of the blowdown stacks in -- in light  10 hydrocarbon service out -- out of the refinery.  11 It's very visible. You'll see  12 some new flares in the skyline. They've been  13 invested in straight away.  14 There are some longer term  15 investments we are making at BP Texas City like,  16 for instance, we are renewing our distributed  17 control systems. We've put our global lines  18 together with the Emerson Company.  19 And over the next three to five  20 years, we will be systematically removing control  21 systems and replacing them with state-of-the-art  22 new systems as sort of routine updating of our  23 control systems. That will come with simulation  24 training for each and every operator off the unit,  25 so that they are experienced in dealing with upsets</p>	<p style="text-align: right;">Page 129</p> <p>1 circumstances we find ourselves in, but I think  2 that's an industry learning.  3 Q. (BY MR. BUZBEE) Isn't it true that BP  4 knew that the trailer siting was unsafe before the  5 explosion?  6 A. I'm not aware of that.  7 Q. I mean, you just told us it's common  8 sense that you put a trailer beside something that  9 can leak hydrocarbons and blow up, it's probably  10 not a smart practice, right?  11 A. Well, I -- actually, I didn't say that.  12 Q. So you think it was a smart practice?  13 A. No, I don't -- I didn't say that either.  14 Perhaps you could rephrase the question.  15 Q. It's pretty simple.  16 Was it or was it not a smart  17 practice to put the trailers where they were on the  18 day that this thing blew up and killed 15 people?  19 A. In retrospect, they were in the wrong  20 place.  21 Q. Okay. The same question with regard to  22 the vehicle traffic within the plant.  23 Pretty dumb, wasn't it?  24 A. In retrospect --  25 MR. BROWN: Objection, form.</p>

<p style="text-align: right;">Page 130</p> <p>1 A. -- vehicles should -- well, in retrospect  2 it is better to keep vehicles out of -- out of  3 plants.  4 Q. (BY MR. BUZBEE) What about this  5 employees services business that you guys are  6 breaking ground on, what's going to happen inside  7 that building?  8 A. Well, first of all, there will be a new  9 car park outside the existing buildings at the  10 entrance to the refinery, which will be fully lit  11 and secure -- securitized.  12 The workforce will enter the new  13 employee services building on what we call the  14 clean side of the building. So they come in  15 their -- in their civilian clothing.  16 The left-hand side will be a fully  17 equipped medical center with a fully qualified MD.  18 On the right-hand side there will be training  19 facilities so that we can take care of, you know,  20 medical issues and take care of updated training  21 and so forth as people come in on shift.  22 The middle of the building is  23 modern lockers and change facilities and showers.  24 And then the other side of the  25 building is the dirty side of the building where</p>	<p style="text-align: right;">Page 132</p> <p>1 staffing levels?  2 A. We've -- well, the facts are we've, I  3 think, included an additional 140 operators for  4 demographic reasons, because as a result of the --  5 what do you call it, the 401K. It's a  6 pension scheme you've got here?  7 Q. 401K?  8 A. -- 401K, there is -- there is incentive  9 for people to retire a little more earlier than --  10 than we would like them to. So we have started  11 ensuring that we've got an appropriate demographic  12 profile in our workforce. So already 140 new  13 operators have come in.  14 These are -- these are good  15 people. A lot of them are experienced. People who  16 want to come to work at BP Texas City.  17 We've also restarted an  18 apprenticeship program. So we've got 60 new crafts  19 coming in this year. And we do that over a number  20 of years on instrument and electrical, welding,  21 pipe fitting, the usual crafts we require to renew  22 our -- our maintenance workforce, as well.  23 On other more specialized aspects  24 of the business, we've been recruiting with a lot  25 of focus on quality people in the areas of HSSE,</p>
<p style="text-align: right;">Page 131</p> <p>1 people have got their PPE on. They go out there.  2 They prepare for work. They go to work. They can  3 come back. There -- there will be a cafeteria and  4 meeting rooms.  5 We'll also house the union in  6 there. They've got a new suite of offices so that  7 the union leadership can be close to their  8 workforce.  9 Q. How much extra money now are you spending  10 on training after this explosion that killed 15 and  11 injured more than 800 others?  12 A. Well, I can't quote the number to you  13 exactly, but it's a substantial part of the budget  14 and it's not limited by money. It's limited by the  15 actual time we have to get people through training  16 courses. There is no budget limitation here.  17 Q. Okay. So now, post March 23, 2005, money  18 is no object. True statement?  19 A. Money is an object. It always is in a  20 business; but as I've tried to outline before, the  21 main constraint is the acquisition of the craft and  22 engineering and educational resources to get  23 everything done. You can't do it all in a year.  24 We've got to -- we've got to phase this.  25 Q. What have you done with regard to</p>	<p style="text-align: right;">Page 133</p> <p>1 process safety, environmental performance. And, of  2 course, we continue to take a very large number of  3 quality engineering graduates from -- from the  4 local universities.  5 Q. Okay. How about -- you mentioned it, I  6 think, in part.  7 What about maintenance? What are  8 you doing with regard to maintenance to correct the  9 issues that existed prior to March 23, 2005?  10 A. Well, I'll tell you what we're doing with  11 maintenance with regard to how it should look in  12 the future. We've got two programs going on.  13 We've got a thing called "Maintenance Accelerator."  14 And we've got a company in there called RMG who are  15 looking at maintenance procedures so that we can  16 run a preventative maintenance program.  17 With -- probably the most  18 important is that it doesn't look just one year  19 ahead. I mean, this is a strategic program in  20 which we can plan very, very accurately what work  21 needs to be done and that we can forecast when it  22 needs to be done as a result of past performance,  23 for instance, of metal thickness and all that sort  24 of stuff.  25 So this is an -- this is an</p>

<p style="text-align: right;">Page 134</p> <p>1 industry class maintenance program which has been  2 brought in by a -- by a consultant called RMG. The  3 thing associated -- the essential associated item  4 with that is the new control of work process, which  5 I have brought in from a company called  6 Petrotechnics.  7 Now, this is a control of work  8 program that's used extensively in harsh  9 environments around the world. It is probably the  10 most common program for control of work used in the  11 North Sea, which is a pretty harsh environment.  12 It's also used in the Deep Water Gulf of Mexico.  13 It's industry proven and we're  14 bringing that in and that should -- that will be  15 going active around about the end of this year.  16 And that will gradually replace existing control  17 work practices that we have; and that relates very  18 closely to our maintenance program, as well.  19 Q. What have you done about this -- the  20 plant-wide alarm system?  21 A. Uh-huh.  22 Q. Have you done anything to it?  23 A. Yes. We've -- we continue to invest.  24 Again, you know, you can't do it all in a month.  25 It's going on --</p>	<p style="text-align: right;">Page 136</p> <p>1 interested in is people's reaction to the alarms.  2 Q. Uh-huh.  3 A. And we've done a comprehensive training  4 program on how to get people out of the plant  5 safely.  6 Q. Prior to the explosion of March 23, 2005,  7 were there automatic alarms with sensors?  8 A. I don't know.  9 Q. Do you know how long it took from the  10 upset of the hydrocarbons until the emissions of  11 the hydrocarbons?  12 A. Well, that's reported --  13 Q. Do you remember what --  14 A. -- very fully --  15 Q. -- the time was?  16 A. -- very fully in the Mogford report.  17 Q. Do you remember the time frame?  18 A. I think it was -- it was a very long  19 time.  20 Q. How long is a long time?  21 A. I can't -- I can't recall exactly.  22 Q. Six minutes?  23 A. I can't recall.  24 Q. Did you used to run?  25 A. I'm sorry?</p>
<p style="text-align: right;">Page 135</p> <p>1 Q. How long does it take to revamp and  2 completely modernize the plant-wide alarm system?  3 A. Probably about 18 months, actually, given  4 ordered -- order times on -- on equipment and  5 retraining people. You can't just plug in a new  6 system without training folks. And we've got a  7 comprehensive training program on -- on, for  8 instance, reaction to alarms; and we have done  9 that.  10 Q. Tell me -- describe for me, if you can,  11 the new plant-wide alarm system.  12 A. Well --  13 Q. How is it different from -- than the  14 previous system that you had?  15 A. Well, do you mean unit alarms or alarms  16 as the result of an upset or what?  17 Q. As a result of an upset.  18 A. Okay.  19 Q. Okay.  20 A. We're doing -- basically modernizing.  21 We're putting new equipment in. Don't ask me what  22 the equipment is. I'm not an alarm technologist.  23 Q. Are these automatic alarms with sensors?  24 A. They will be automatic alarms with  25 sensors. One of the more important aspects I'm</p>	<p style="text-align: right;">Page 137</p> <p>1 Q. Have you ever been a runner?  2 A. Yeah.  3 Q. Really? Did you ever run like the mile  4 or something?  5 A. I wasn't very good.  6 Q. How fast could you run the mile?  7 A. It took me about six minutes.  8 Q. Six minutes.  9 So at least back when you were  10 running, you could run a full mile within six  11 minutes?  12 A. Yeah.  13 Q. Is that right?  14 A. I -- I guess.  15 Q. All right. Are you telling me that the  16 alarm system in the plant today -- aren't we  17 18 months from the explosion now?  18 A. Yes.  19 Q. Okay. So you told us -- you told me it  20 would take about 18 months to fully train and to  21 update and modernize the alarm system.  22 Is it fully done now?  23 A. The alarm system is fully operational.  24 Q. Okay.  25 A. As it stands today, some of it has</p>

Page 138

1 modernized; some of it awaits modernization. It  
 2 works.  
 3 Q. Uh-huh.  
 4 A. And every weekend on -- and during  
 5 weekdays on a random basis, we do things called gun  
 6 drills, which is we set the -- we create a scenario  
 7 for an event, like a release of a poisonous gas or  
 8 a fire or something like that. The alarms go off  
 9 and we do a completely blind exercise on units in  
 10 which the event's happening and also units that are  
 11 associated with that.  
 12 And that's an ongoing training  
 13 program which is proved to be very, very effective  
 14 and well received by the people in the plant.  
 15 Q. With regard to the alarm system at least  
 16 today, money is no constraint?  
 17 A. That's correct.  
 18 Q. With regard to trailer siting, now you've  
 19 got everybody outside the plant in a brand-new  
 20 building?  
 21 A. Yeah.  
 22 Q. Money is no constraint?  
 23 A. It's not a constraint.  
 24 Q. With regard to vehicle traffic within the  
 25 plant, you've got new bus routes, new muster

Page 139

1 points, new parking places outside the plant.  
 2 Money is no constraint?  
 3 A. Yes.  
 4 Q. With regard to this employee services  
 5 building and the training facility therein and the  
 6 union's headquarters therein, money is no  
 7 constraint?  
 8 A. Correct.  
 9 Q. With regard to training of individuals,  
 10 not only board operator training, response to  
 11 alarms, what have you, money is no constraint?  
 12 A. That's correct.  
 13 Q. With regard to replacing these  
 14 blowdown drums with a flare system, money is no  
 15 constraint?  
 16 A. The correct sort of money is no  
 17 constraint.  
 18 Q. With regard to, at some point, I guess,  
 19 when you update these boards and go to some new  
 20 modernized form of operating these units, as of  
 21 today, money is no constraint?  
 22 A. Correct.  
 23 Q. And all of that changed -- that is, this  
 24 idea that money is no constraint -- I guess changed  
 25 on March 23, 2005? That's the new attitude that BP

Page 140

1 has?  
 2 A. Circumstances changed on March 23, 2005.  
 3 Events beyond that further encouraged us to look at  
 4 the long-term future of BP Texas City.  
 5 Q. Now, don't you know that in 30 years at  
 6 that plant, prior to March 23, 2005, 23 people had  
 7 been killed?  
 8 A. So I've learned, yes.  
 9 Q. Is the -- is the reason BP didn't change  
 10 prior to that is because it takes -- it takes a  
 11 mass casualty to get you to change all these  
 12 things?  
 13 A. I wouldn't think so.  
 14 Q. I mean, it seems to me that killing one  
 15 person is sufficient cause to make modernization  
 16 changes and remove danger, right?  
 17 A. Sorry, the question is?  
 18 MR. BUZBEE: Read it back please.  
 19 (The requested testimony was read  
 20 by the reporter.)  
 21 A. "Right"? Do you mean what -- do I --  
 22 Q. (BY MR. BUZBEE) Isn't that true?  
 23 A. -- agree with that?  
 24 Q. Yes, sir.  
 25 A. Okay. Yeah.

Page 141

1 Q. Right?  
 2 A. Absolutely, the loss of any human life.  
 3 Q. I mean, shoot, even just hurting  
 4 somebody --  
 5 A. I agree with you.  
 6 Q. -- right?  
 7 A. Yeah.  
 8 Q. I mean, you shouldn't have to kill  
 9 15 people and injure 18 -- or 800 others to --  
 10 A. I think that's very obvious, yeah.  
 11 Q. Right?  
 12 A. Yeah.  
 13 Q. Well, how is it that -- I'm trying to  
 14 figure out: Why is it that you changed your tune,  
 15 or at least your testimony is, now rather than  
 16 before?  
 17 MR. BROWN: Objection, form.  
 18 A. I can't comment on that. I mean, I have  
 19 a very clear view of BP Texas City as a business  
 20 for the next 50 years and that's what I'm doing.  
 21 Q. (BY MR. BUZBEE) Why are you leaving?  
 22 A. Those reasons are very personal. I mean,  
 23 there's personal reasons; but also, I think my  
 24 principal task is to bring Texas City back to  
 25 stable operation and then put it in the hands of

<p style="text-align: right;">Page 142</p> <p>1 someone who is going to be there for a very long 2 time. 3 Q. How closely have you read the Telos 4 Report? 5 A. I've read it. 6 Q. When you read it -- when you read it, 7 were you shocked? 8 A. Well, no, I wasn't. I was concerned that 9 people were expressing those opinions, and I -- and 10 I was desperate to find some way I -- I could 11 generate actions on these complaints. I find other 12 reports more valuable in providing me access to 13 actions. 14 Q. If you had been plant manager in January 15 of 2005 at the Texas City plant and had received, 16 from a group of consultants that you had paid, this 17 Telos Report, what would you have done? 18 A. Well, you know, given your premises, 19 which, I mean -- actually, I would have ordered a 20 different in the first place, one which would 21 provide me a way to get into action. So the Telos 22 Report is not a report. It's too general. It's 23 too widespread. It's very difficult to actually 24 pick something to get something done on. 25 Now, so, you know, your -- your</p>	<p style="text-align: right;">Page 144</p> <p>1 Q. I'm not talking about after 15 people are 2 killed and 800 people are injured. 3 I'm talking about: You're sitting 4 there, in January of '05, with a Telos Report in 5 your hand. Your testimony, I believe, is that you 6 would have taken immediate action to make immediate 7 changes? 8 A. I would have got specific messages from 9 the workforce such that we could shape a way 10 forward together. 11 Q. As the -- you were the head guy out there 12 at the Texas City plant, right, on site? 13 A. When? When? 14 Q. Right now? 15 A. Yes. 16 Q. Okay. Can you tell me any specific 17 things you would have done in response to the Telos 18 Report had you received it in January of '05? 19 A. I've told you that I would have got to 20 the workforce and management groups and helped them 21 express what their concerns were in such a way that 22 we could shape actions. 23 Q. Is it your testimony that there is 24 nothing in the Telos Report that is specific enough 25 for you to take action on as a member of</p>
<p style="text-align: right;">Page 143</p> <p>1 question is difficult to answer because I don't 2 think I would find myself in those circumstances. 3 Q. All right. I hear you saying that, 4 "Look, I wouldn't have done the Telos Report. I 5 would have done some other report." 6 But let's assume that January 1, 7 2005, Parus is gone, you're there, you have this 8 report, it's in your hands, you are reading it, 9 what do you do? 10 A. Well, I would have done exactly what I 11 have done today. 12 Q. Immediately? 13 A. Yeah, which would have been to go out to 14 the workforce and say, "What you say matters." 15 Q. Okay. 16 A. "Let's try and shape your feedback into 17 some sort of shape that we can take action on." 18 Q. Okay. So if you were standing in the 19 shoes of Parus and you had the Telos Report and the 20 results thereof, you would have immediately went to 21 the workforce and said, "Look, let's put this into 22 action. Give me specifics so I can make changes 23 right now?" 24 A. Well, that's what I did, actually, when I 25 came here.</p>	<p style="text-align: right;">Page 145</p> <p>1 management? 2 A. There's many of the Telos comments that 3 are actually being taken care of in the "Focus on 4 the Future" program, the ones that we can deal 5 with. 6 Q. I hear it. I heard that, but that's not 7 my question. 8 A. Okay. Go ahead. 9 MR. BUZBEE: Can you read the 10 question back, please? 11 (The requested testimony was read 12 by the reporter.) 13 A. Okay. So there is nothing specific in 14 the Telos Report that I would immediately set off 15 and do; but there is sufficient signaling in the 16 Telos Report that would cause me to take a 17 subsidiary action, which is to get with groups of 18 the workforce, get them to tell me what really is 19 the issue and then we can shape some action. 20 That's what I'm trying to say to you. 21 Q. (BY MR. BUZBEE) As the -- had you been 22 the manager in January of '05 and had received the 23 Telos Report, would you have been alarmed such that 24 you would have even considered shutting the plant 25 down?</p>

<p style="text-align: right;">Page 146</p> <p>1 A. Well, I mean, I find that hard to 2 imagine. I mean, not -- not that I might have done 3 it or might not have done it. It's just that I 4 don't know. 5 Q. I guess shutting the plant down is like a 6 huge no-no? 7 MR. BROWN: Objection, form. 8 Q. (BY MR. BUZBEE) Is that right? 9 A. Absolute -- no, I mean, actually, 10 evidence suggests that I have shut the plant down. 11 Q. You mean after people were killed and 12 injured? 13 A. No, I don't mean that. 14 Q. Okay. When you're sitting in the 15 manage -- the head guy up at Texas City's shoes 16 when you receive this Telos Report in January of 17 2005, would you have considered shutting the plant 18 down? 19 A. I don't think on the basis of that 20 report, no. 21 Q. It's not enough? 22 A. It's not enough. 23 Q. Okay. I mean, I think what you have told 24 us before is that the report lacks usefulness? 25 A. It lacks specificity.</p>	<p style="text-align: right;">Page 148</p> <p>1 interviewed and who was surveyed? 2 MR. BROWN: I'll object to the 3 sidebar. 4 Go ahead and answer the question. 5 A. No. 6 Q. (BY MR. BUZBEE) Do you even know the 7 scope of the report? 8 A. No. 9 Q. So you don't even know that more than a 10 thousand people were surveyed? 11 A. Oh, I knew there was a thousand people. 12 Q. Do you know how many were interviewed? 13 A. No. 14 Q. Face-to-face interviews? 15 A. No. 16 Q. Telephone interviews? 17 A. No. 18 Q. Is that important to you? 19 A. Not at this time. 20 Q. Okay. 21 A. It might have been at the time. 22 Q. Would you agree with me that prior to 23 this explosion, BP clearly had placed the drive for 24 profit over the concern for safety? 25 A. That was not my personal experience in my</p>
<p style="text-align: right;">Page 147</p> <p>1 Q. Okay. 2 A. It's general. 3 Q. You tend to disregard opinions to an 4 extent, I think is what you said before? 5 A. No, I absolutely do not disregard 6 opinions. I find it difficult dealing with a 7 complaint. I find it very easy to shape people's 8 concerns into a set of actions. 9 Q. The Telos Report, according to you, is 10 very general and very difficult to extract action? 11 A. Yeah, I think so. Yeah. 12 Q. Okay. Do you have a written plan going 13 forward? 14 A. Yes, I do. 15 Q. What's it called? 16 A. It's called the ""Focus on the Future"" 17 program. 18 Q. Okay. It's something that you came up 19 with? 20 A. With my team. 21 Q. Okay. Let's take a look at -- just let 22 me read you some statements and tell you just -- 23 maybe they're too general, but I'm reading them and 24 they seem to be fairly specific. 25 First off, do you know who was</p>	<p style="text-align: right;">Page 149</p> <p>1 businesses. 2 Q. Looking now -- 3 A. Previous businesses that I had run. 4 Q. Okay. When you look at the Telos Report 5 and the other documents that the jury will see in 6 this case, do you see how someone might think that 7 your company, BP, at least with regard to 8 Texas City, placed profit and the desire for profit 9 over the concern for safety of the workers? 10 MR. BROWN: Objection, form. 11 A. The BP Group standard -- and this is very 12 clear, and I've never had any doubt -- that in BP, 13 safety comes first. 14 Q. (BY MR. BUZBEE) Does management ever 15 tell that to the workers? 16 A. I do. I can't speak for anyone else. 17 Q. Did you notice in the Telos Report, in 18 the thousand people who were surveyed and the 19 hundred or so people who were interviewed, that, in 20 fact, they believed the opposite to be true? 21 A. Yeah, I saw that, too. 22 Q. What do you make of that? 23 A. I think there was work to be done, as 24 I've indicated. 25 Q. When -- when literally many, many, many,</p>

<p style="text-align: right;">Page 150</p> <p>1 many people expressed that sentiment, that BP, all  2 they care about is production and profit and the  3 last thing they're concerned about is our safety,  4 when these people are expressing this opinion based  5 on day-to-day work, are you saying that they're  6 just mistaken?  7 A. No, not at all. I mean, that's -- that's  8 an opinion they have at the time. Plainly one  9 would react to that.  10 Q. How is it that -- from the standard --  11 you have had children, I'm assuming, right?  12 A. (Nods head.)  13 Q. Right?  14 A. Yes.  15 Q. BP is so big, I mean, how do you punish  16 some company like BP?  17 MR. BROWN: Objection to form.  18 Q. (BY MR. BUZBEE) If I'm sitting there and  19 I'm a juror and I'm wanting to punish BP because  20 what I see is reprehensible, how do we -- what  21 would matter?  22 A. I don't know. I can't answer that.  23 Q. You don't think it's a specific concern  24 that BP management had forced an injured worker to  25 file a false accident report? Is that not specific</p>	<p style="text-align: right;">Page 152</p> <p>1 Q. (BY MR. BUZBEE) If it was such a good  2 plan, why didn't you just carry through on it?  3 A. Well, because I believe I have -- I have  4 got the experience to -- to lead this business  5 in -- in a way which is going to result in a  6 sustainable future.  7 Q. When some -- if someone expressed the  8 sentiment, do you know what, all BP wants to do  9 when someone is hurt is to try to fire them, you  10 don't think that's specific enough to --  11 A. I'm sorry. Say that --  12 Q. Someone gets hurt, BP looks for a way to  13 fire them, you don't think that's specific enough  14 to look into?  15 A. Well, actually, I don't. I mean, who is  16 this someone and who is going to fire them?  17 Q. You would ask questions?  18 A. I would try to find out who -- who was  19 going to get fired and who was doing the firing,  20 yeah.  21 Q. "Every time there is an accident, the  22 investigation always concludes that it's human  23 error with no look at management," you don't think  24 that's specific enough to look into?  25 A. Well, no, I mean, it's an area which --</p>
<p style="text-align: right;">Page 151</p> <p>1 enough to take action on?  2 A. I have --  3 MR. BROWN: Objection, form.  4 A. I have no evidence whether that's true or  5 false.  6 Q. (BY MR. BUZBEE) Wouldn't that lead you  7 to go find out if that's true?  8 A. The overall report, as I have said to  9 you, would cause me to let my workforce know that  10 what they say matters and -- and I would take the  11 actions as was previously described to you.  12 Q. Well, if there's no action taken -- after  13 these people, they come in, they get interviewed or  14 they get interviewed over the phone, they fill out  15 these surveys and nothing really changes, that  16 would mean that what you say doesn't matter?  17 A. Well, I think actually something --  18 MR. BROWN: Objection, form.  19 Go ahead.  20 A. I think, actually, things did change. I  21 mean, I would like just to acknowledge that there  22 was a strategic plan in place when I got to  23 Texas City, which was called the "1000-Day Plan,"  24 many of which elements actually show up in the  25 "Focus on the Future" program.</p>	<p style="text-align: right;">Page 153</p> <p>1 which is a general concern; but, I mean, I would  2 question if that was the 100 percent outcome of  3 any -- any investigation.  4 Q. Why would you question that?  5 A. It's general.  6 Q. So why is it --  7 A. I believe --  8 Q. -- that every time some sentiment like  9 that is expressed, you always take the view that,  10 "Well, that's just one person's opinion. And you  11 know what? I'll bet that no one else expresses  12 that sentiment," and, you know, you basically  13 discount that --  14 A. No, that's not so. I mean, if you look  15 at my program -- program, we've got very specific  16 action items in it leading us forward over the next  17 five to seven years. And we have accomplished a  18 whole lot very specifically since the ISOM incident  19 as a result of lessons learned.  20 Q. Have you surveyed the workers out  21 there --  22 A. Yes.  23 Q. -- over the last --  24 A. Yes, we have.  25 Q. What's the result?</p>

<p style="text-align: right;">Page 154</p> <p>1 A. Well, there is an interim report, which I 2 believe is available to you. 3 Q. No. I'm talking about like a Telos 4 survey? 5 A. Yeah. 6 Q. All right. What's the result, in your 7 view? 8 A. I think there's an improvement. 9 Q. Improvement? 10 A. Yeah. 11 Q. Great improvement? 12 A. Well, I mean, that's open to judgment. 13 Q. Okay. BP -- "At BP, we don't learn from 14 our mistakes." Let me give you the exact quote. 15 If you were the -- if you are Don 16 Parus and you read this, "We need to learn from our 17 mistakes. Our organizational memory is very short. 18 We seem to mourn for short periods of time and then 19 move back to doing what we have always done, and no 20 meaningful changes occur from the incidents we 21 have." 22 Do you remember reading that in 23 the Telos Report? 24 A. Yeah, I have. Yeah. 25 Q. Now, how is it that the jury, sitting in</p>	<p style="text-align: right;">Page 156</p> <p>1 A. Well, no, it doesn't cause the action; 2 but, actually, you'll find in "Focus on the Future" 3 that a complete organizational redesign actually 4 deals with the maintenance issue in some detail. 5 Q. So that is specific enough to -- to act 6 on? 7 A. Well, no, it didn't -- you know, I mean, 8 it's not specific. 9 Q. Okay. 10 A. It is something that has been dealt with 11 as a result of an overall strategic plan for 12 BP Texas City. 13 Q. "There are lots of issues about the 14 effectiveness of alarms." 15 Is that specific enough to act 16 upon? 17 A. Well, I think you've -- you've seen 18 action on alarms. Alarm -- alarms are a very 19 specific item of the ""Focus on the Future"" 20 program. Work is ongoing. 21 Q. I hear you, sir. And everything you're 22 telling me about what you've done and what you're 23 going to do, that's after 15 people have been 24 killed. Okay? 25 A. Okay.</p>
<p style="text-align: right;">Page 155</p> <p>1 Galveston County on the fourth floor of the 2 courthouse when they read that, how is it that 3 you're going to convince us that this is not still 4 the situation at BP? 5 A. I think actions speak more powerfully 6 than -- than words. I mean, we now have a track 7 record of getting things accomplished. 8 Q. But you're leaving? 9 A. Well, not until we're in a stable 10 operation. 11 Q. Not until after the trial? 12 A. Not until we're in a stable operation. 13 Q. "Pressure for production is a barrier to 14 working without injury." 15 Is that specific enough to take 16 action on? 17 A. Well, it's an observation. What I have 18 said, and what evidence there is now, is that 19 actually you cannot do production without safety. 20 Safety comes first. No question. 21 Q. "Short staffing in maintenance and 22 operations is a big issue at Texas City." 23 As a manager when you -- when you 24 read that, is that specific enough for you to take 25 action on?</p>	<p style="text-align: right;">Page 157</p> <p>1 Q. I want to talk to you about: You get 2 this piece of information in January of 2005, 3 specifically, "There are lots of issues about the 4 effectiveness of alarms." 5 Is that enough information for 6 you, as the manager of the Texas City plant, to 7 say, "You know what? I need to look into this and 8 fix this problem right now" ? 9 A. Well, I don't know what the state of the 10 alarm system was in 2005. 11 Q. Don't you think as plant manager you 12 probably would know that if you were there in 13 2005 -- 14 A. I was not plant -- 15 Q. -- in January? 16 A. -- manager. I was not plant manager. 17 Q. If you were given this information, would 18 you at least leave your office and go find out what 19 the issue was with regard to the alarms? 20 A. I probably would, yeah. 21 Q. Because, I mean, you know, an alarm 22 system is kind of like your second chance. 23 In other words, you make a big 24 mistake -- you either don't do training, bad 25 maintenance, bad procedure, various other things --</p>

<p style="text-align: right;">Page 158</p> <p>1 there's still a chance to get people away from the 2 explosion before they're killed or injured, right? 3 MR. BROWN: Objection, form. 4 A. I'm sorry. What was your question? 5 Q. (BY MR. BUZBEE) Sir, we're going to have 6 to be here a long time if I have to keep repeating 7 them. 8 A. I was looking -- 9 MR. BUZBEE: Could you read it 10 back, please? 11 A. I apologize -- 12 Q. (BY MR. BUZBEE) Okay. 13 A. -- but you've got to remember that 14 there's a little cultural difference here and I'm 15 really trying. 16 Q. Okay. I don't mean you any offense. 17 MR. BUZBEE: Could you read it 18 back, please? 19 (The requested testimony was read 20 by the reporter.) 21 A. Yes. 22 Q. (BY MR. BUZBEE) That's the purpose of 23 the alarm? 24 A. Yes. 25 Q. Okay. Mr. Coon asked you a question</p>	<p style="text-align: right;">Page 160</p> <p>1 Q. Okay. I appreciate all that. 2 But when Lord Browne says, "Look, 3 I want you to reduce your budget by 25 percent," 4 what do you do? 5 A. Did Lord Browne say that? 6 Q. Well, we can -- we're going to show 7 the -- 8 A. Okay. 9 Q. -- jury documents that say that he did. 10 A. Okay. I don't -- 11 Q. What do you do when you get that charge 12 from Lord Browne? 13 A. I'm not personally aware that he made the 14 charge personally of me. He didn't, in fact. What 15 I did was manage my business within -- the segment 16 that it happened to be at the time, which is 17 refining and -- chemical -- petrochemicals and then 18 refining and marketing. That's what I did. 19 Q. Would you agree that at least prior to 20 March 23, 2005, the budget and monetary concerns 21 were, indeed, a significant constraint at 22 Texas City? 23 A. I have no information regarding that. 24 Q. So you can't say "yes" or "no"? 25 A. Well, I haven't seen the documents. I</p>
<p style="text-align: right;">Page 159</p> <p>1 about how you dealt with a 25 percent budget cut, 2 and your testimony is you don't even remember it? 3 A. You know, our shareholders or our owners 4 or our managers in London continually challenge us 5 on do you have the right budget; and that's the way 6 I see business. You know, apparently there was 7 this declaration that there shall be a 25 percent 8 cost cut. I didn't do that. 9 Q. So -- 10 A. What I did was make a couple of 11 businesses rather more effective, but I don't think 12 there was any number of 25 associated with that. 13 Q. So your testimony is when Lord Browne 14 says, "25 percent, boys, you need to cut the 15 budget," you don't take that to heart and make it 16 happen. You just run your business? 17 MR. BROWN: Objection, form. 18 A. My job is basically a CEO of the 19 business. Any CEO will take care of a number of 20 issues in his business so that he generates a 21 profit which sustains the business. 22 Now, I have been in businesses 23 that are lean. I've been in businesses that are 24 fat. A lot of businesses need a lot of strokes, 25 different strokes.</p>	<p style="text-align: right;">Page 161</p> <p>1 mean, I just don't know. 2 Q. Okay. 3 MR. BUZBEE: I pass the witness. 4 MR. COON: Let's go off the 5 record. 6 THE VIDEOGRAPHER: Off the record 7 at 11:56. 8 (Recess taken.) 9 THE VIDEOGRAPHER: This is Tape 4. 10 Going on record at 12:27. 11 * * * 12 FURTHER EXAMINATION 13 Q. (BY MR. COON) Are you ready to proceed? 14 A. Yes. 15 Q. Mr. Maclean, if you'd look at the monitor 16 there, sir, we have a copy of the transcript of the 17 statement that Mr. Pillari presented to the 18 community of Texas City on May 17, 2005 on the 19 heels of the interim report from Mogford. 20 It's my understanding that you 21 were in Texas City by that time? 22 A. Yes. 23 Q. Did you have an opportunity to meet with 24 Mr. Pillari or Mr. Mogford concerning the 25 statements that would be issued to the press on</p>

<p style="text-align: right;">Page 162</p> <p>1 May 17th?  2 A. No.  3 Q. Have you had an opportunity to see what  4 it is that he said either by being there to listen  5 to it or to see a copy of the transcript before  6 today?  7 A. I have seen a copy of the transcript  8 before today.  9 Q. Okay. I want to call your attention to  10 what he said, which is at about the fifth,  11 sixth paragraph of the transcript.  12 And what Mr. Pillari was doing  13 here was paraphrasing things that John Browne, the  14 chief executive officer of the BP Group, had stated  15 earlier.  16 A. Yep.  17 Q. Which was he had pledged his full  18 commitment of resources, et cetera, et cetera. And  19 then I want to talk to you about this one.  20 It says, "He emphasized that at  21 BP, we have a very simple rule: We accept  22 responsibility for what happens inside the  23 boundaries of our plant and this incident is no  24 exception."  25 A. Yes.</p>	<p style="text-align: right;">Page 164</p> <p>1 fence on our plant is our responsibility.  2 That's a general BP rule?  3 A. That's what it says, yeah. Yeah.  4 Q. And they say: That's our general rule.  5 This is not an exceptional rule. This is our  6 general rule. If it happens inside our plant, we  7 are responsible. We accept responsibility?  8 MR. BROWN: Objection, form.  9 Q. (BY MR. COON) That's what he says here;  10 is that correct?  11 A. That's what it says on there.  12 Q. And he said, "This incident is no  13 exception to that rule"?  14 A. "This incident is no exception."  15 Q. So does that mean that for other  16 occurrences that have happened in the past and what  17 happens in the future, if it happens inside the  18 boundaries of the plant, that BP will accept  19 responsibility?  20 MR. BROWN: Objection, form.  21 A. I can't comment on behalf of the group.  22 This is a matter of policy.  23 Q. (BY MR. COON) Does that policy still  24 exist at the present time to the best of your  25 knowledge?</p>
<p style="text-align: right;">Page 163</p> <p>1 Q. Do you recall Mr. Pillari saying that?  2 A. Yes.  3 Q. Based on that, can we presume that BP  4 takes responsibility for what happened at  5 Texas City on March 23rd, 2005?  6 A. That's what it says.  7 Q. So in the event this case proceeds to  8 trial, can we reasonably presume that BP will stand  9 up and say, "We accept responsibility for what  10 happened March 23rd, 2005"?  11 MR. BROWN: Objection, form.  12 A. I can't speak for the group.  13 Q. (BY MR. COON) Do you accept  14 responsibility for what happened at Texas City  15 March 23rd, 2005?  16 A. I accept responsibility as part of the  17 BP Group for what happened.  18 Q. And when he said here that "what happens  19 inside the boundaries of our plant," he's talking  20 about on BP property?  21 A. I guess so, yeah.  22 Q. That would be inside the fence?  23 A. I would think so.  24 Q. And so as we read this, they're saying  25 that what happens inside the boundaries of our</p>	<p style="text-align: right;">Page 165</p> <p>1 A. I don't have that knowledge.  2 Q. Has anybody told you that that policy has  3 changed since this was issued May 17, 2005?  4 A. Has it?  5 Q. Yes, sir.  6 A. No, I'm unaware of -- of these issues.  7 Q. Would you anticipate that BP management  8 in London or elsewhere would tell you that that  9 policy had changed if, in fact, it had, that they  10 would no longer accept responsibility for what  11 happened in the -- on the plants that you operate?  12 A. Sorry, I --  13 MR. BROWN: Objection, form.  14 A. I'm getting misled here. Did you say  15 that the policy has changed?  16 Q. (BY MR. COON) No, sir, I'm asking you if  17 it has changed?  18 A. I -- I don't think so.  19 Q. So to the best of your knowledge, the  20 policy that BP has that they accept responsibility  21 for what happens on their premises --  22 A. To the best --  23 Q. -- is the --  24 A. -- of my knowledge, that's the current  25 policy.</p>

<p style="text-align: right;">Page 166</p> <p>1 Q. So if you take, for instance, the most 2 recent fatality that you had, Mr. Graves I believe 3 it was? 4 A. Yes, Mr. Ronnie Graves. 5 Q. And that happened at your plant last 6 month? 7 A. Yes. 8 Q. And he was crushed with a lift? 9 A. Yes. 10 Q. And he was a contractor at the plant? 11 A. That's correct. 12 Q. And does BP accept responsibility for 13 that fatality? 14 A. We accept responsibility for -- for his 15 presence on the plant. And to this extent, we have 16 fully cooperated with OSHA and we are working on 17 investigating the whole incident so that we know 18 what happened. 19 Q. Well, this doesn't say that you accept 20 responsibility for dealing with the government. It 21 says you accept responsibility for what happens. 22 A. Well, if it happened -- if it happens at 23 BP Texas City, as it did, then we've got to find 24 out why it happened and who was -- and who was 25 accountable.</p>	<p style="text-align: right;">Page 168</p> <p>1 about accountability. 2 And what I've done to the 3 organization of BP Texas City is reconstruct it so 4 that accountabilities are absolutely clear. Their 5 delegation is clear and the resources people 6 require to deliver those accountabilities are 7 available. 8 Q. So if the statement is made that you are 9 responsible for what happens at your plant, we are 10 not to presume that you're really responsible from 11 the standpoint that you take accountability for 12 what happened? 13 MR. BROWN: Objection, form. 14 A. We -- Lord Browne has said we are 15 responsible for what happens inside the lines of 16 our business. 17 Q. (BY MR. COON) But that doesn't mean 18 accountability, does it? 19 A. Well, if you look at the circumstances of 20 each and every event, you can fairly reasonably 21 determine who is accountable for what happened. 22 Q. So I want to understand what you're 23 saying BP accepts responsibility for. 24 They accept responsibility for -- 25 for complying with OSHA investigations?</p>
<p style="text-align: right;">Page 167</p> <p>1 Q. Well, but it says right here that BP 2 accepts responsibility for what happens? 3 A. Well, we're responsible. We may not be 4 accountable for the -- every event that happened. 5 Q. So you're saying you're responsible, but 6 you're not accountable? 7 A. If it's demonstrated that we're not 8 accountable, we're not accountable. 9 Q. So with respect to what happened 10 March 23rd, 2005, are you saying you are not 11 accountable? 12 A. No, I think Lord Browne has -- has made a 13 statement there that I'm -- I'm not going to argue 14 with. I think it's an appropriate statement to 15 make. 16 Q. Well, the statement that was made is that 17 you are responsible for what happens -- that BP is 18 responsible for what happens on their premises. 19 A. Uh-huh. 20 Q. But what you're saying is that 21 responsibility and accountability are two different 22 things? 23 A. Well, I think we're getting into 24 semantics here. I genuinely do believe they're 25 different, and I think we've got to be very clear</p>	<p style="text-align: right;">Page 169</p> <p>1 A. To determine what happened and take the 2 lessons from what happened and continue to build 3 towards a -- towards a capability that that would 4 not happen again. 5 Q. Okay. So from the standpoint of 6 responsibility, you're saying that BP is just 7 saying that they will deal with the government 8 agencies -- 9 A. We've always -- 10 Q. -- and they would -- 11 A. We always cooperate fully with anybody 12 who has a need to get at the facts. 13 Q. And who would those persons be? Are you 14 talking about federal agencies -- 15 A. Yes. 16 Q. -- authorities? 17 A. Absolutely, yes. 18 Q. You're legally required to do that, 19 aren't you, sir? 20 A. Yes, but we continue to cooperate, you 21 know, in the most open and -- and positive way. 22 Q. Well, you're not really given a choice in 23 that matter, are you, sir? 24 A. No. 25 Q. That brought up something else.</p>

Page 170

1 BP said they would be transparent  
 2 with respect to what happened in Texas City. Do  
 3 you recall that?  
 4 A. Yes.  
 5 Q. Do you believe that BP is being  
 6 transparent with respect to what happened  
 7 March 23rd, 2005?  
 8 A. I believe so.  
 9 Q. Has BP made a full disclosure to the  
 10 public with respect to what happened March 23,  
 11 2005?  
 12 A. We are conducting the investigation; and  
 13 when we get complete with the regulatory agencies,  
 14 that will be the case.  
 15 Q. Has BP made any effort to hide anything  
 16 from the public?  
 17 A. No.  
 18 Q. Are you willing to provide to the general  
 19 public all of the information that has derived from  
 20 any of the investigations, whether they're public  
 21 or private?  
 22 A. I'm not qualified to -- to determine  
 23 what's appropriate; but in -- in the spirit of  
 24 openness, there's nothing around that incident that  
 25 we wouldn't share.

Page 171

1 Q. Well, has BP and some of their employees  
 2 refused to cooperate with government agencies and  
 3 investigative bodies in the recent past?  
 4 A. I'm unaware of that.  
 5 Q. Didn't you have some of your own  
 6 BP employees take the Fifth Amendment in front of  
 7 Congress last week?  
 8 A. That's well outside of my -- my area of  
 9 influence.  
 10 Q. Well, you're aware that some BP employees  
 11 took the Fifth Amendment in front of Congress last  
 12 week regarding --  
 13 A. I read it in The New York Times, yeah.  
 14 Q. Did you watch those congressional  
 15 hearings?  
 16 A. No.  
 17 Q. Did you have anything to do with the  
 18 investigation into the BP pipeline?  
 19 A. Absolutely not, no.  
 20 Q. Do you understand there were allegations  
 21 made by numerous individuals, including government  
 22 agencies, that BP had a practice of deferring  
 23 maintenance on that pipeline?  
 24 A. Yes.  
 25 Q. Do you agree that they are correct with

Page 172

1 assertions that BP deferred maintenance on that  
 2 pipeline?  
 3 A. I have no information to agree or  
 4 disagree.  
 5 Q. Well, the pipeline rupturing kind of  
 6 speaks for itself, doesn't it?  
 7 A. Well, that's a different business. I  
 8 mean, it's -- I don't know anything about that.  
 9 Q. Well, you understand if the pipeline is  
 10 properly maintained, that it won't rust through?  
 11 A. It could be.  
 12 Q. Well, it could be or should be?  
 13 A. Could be.  
 14 Q. So why would it rust through if it's  
 15 properly maintained?  
 16 A. I have no idea.  
 17 Q. Well, isn't it your --  
 18 A. I think there --  
 19 Q. -- understanding --  
 20 A. I think there's a -- there's a team up  
 21 there taking a look at that and seeing what -- what  
 22 went on.  
 23 Q. Well, they could have looked at it for  
 24 the last 20 years and they chose not to, didn't  
 25 they?

Page 173

1 A. They could have.  
 2 Q. Well, you understand that there are some  
 3 pretty simple allegations in the case that they  
 4 didn't inspect the interior of that pipeline like  
 5 they were supposed to and like they represented to  
 6 the government that they were doing?  
 7 MR. BROWN: Objection, form.  
 8 Q. (BY MR. COON) You're aware of that,  
 9 aren't you?  
 10 MR. BROWN: Objection, form.  
 11 A. I am actually not -- I mean, I'm aware of  
 12 what was reported in the -- in The New York Times.  
 13 Q. (BY MR. COON) Well, you know what "pigs"  
 14 are as they relate to pipelines, don't you --  
 15 A. Yes, I do.  
 16 Q. -- sir?  
 17 Do you understand that there was  
 18 an allegation that BP did not utilize pigs to  
 19 determine the interior integrity of the pipeline?  
 20 A. I was unaware of that until it was  
 21 reported in The New York Times.  
 22 Q. But you have been made aware now and you  
 23 don't dispute it, do you, sir?  
 24 A. I have no reason to dispute it or -- or  
 25 agree with it.

<p style="text-align: right;">Page 174</p> <p>1 Q. And your competitors up there, in fact, 2 utilized the pigs they were supposed to to maintain 3 their part of the pipeline, didn't they, sir? 4 A. I have no -- 5 MR. BROWN: Objection, form. 6 A. I don't have any information on that. 7 Q. (BY MR. COON) Did the budget cuts coming 8 from London in 1999 also apply to that pipeline? 9 A. I have no -- 10 MR. BROWN: Objection -- 11 A. -- idea. 12 MR. BROWN: -- form. 13 Q. (BY MR. COON) So if Kathleen Lucas says 14 she believes they did, you don't have anything to 15 dispute that? 16 A. I -- 17 MR. BROWN: Objection, form. 18 A. I have no idea. 19 Q. (BY MR. COON) Mr. Maclean, you would 20 agree with the statement made by BP executives that 21 Texas City was not a safe plant in March, 2005? 22 A. Would I agree with that -- 23 Q. Yeah. 24 A. -- assertion? I'm sorry. I beg your 25 pardon. Could you say that all again?</p>	<p style="text-align: right;">Page 176</p> <p>1 elements, as described by John Mogford's report, 2 that we have to pay attention to; and I think 3 Mogford's report describes the circumstances very 4 well. 5 Q. And looking at that -- at that report, 6 were you made aware of a number of problems with 7 the infrastructure of the ISOM unit and raffinate 8 splitter? 9 A. Yeah. 10 Q. Were you aware of the deteriorating 11 condition of the blowdown drum itself? 12 A. What do you mean? When was I aware of 13 that? 14 Q. No, sir. 15 Were you aware -- 16 A. No. 17 Q. -- that even the blowdown drum itself was 18 rusted out? 19 A. No, you've got to recall that I was not 20 there. 21 Q. I didn't say you were, did I, sir? 22 A. No, but you're speaking -- let me get 23 the -- I mean, are you saying to me: Am I aware of 24 it now? 25 Q. Yes, sir.</p>
<p style="text-align: right;">Page 175</p> <p>1 Q. Yes, sir. 2 You would agree with statements 3 made by other BP executives that Texas City was not 4 a safe plant to work at in March of 2005? 5 A. Who are the other BP executives? 6 Q. I'm just asking: Are you aware -- would 7 you agree with that? 8 A. I'm not aware that other BP executives 9 said that. 10 Q. All right. Let me ask you: Would you 11 agree that Texas City was not a safe plant to work 12 at in March of 2005? 13 A. In March of 2005, I had no concept of 14 what was going on in Texas City; and I don't know 15 whether it was safe or unsafe. The evidence 16 suggests that one unit was very unsafe. 17 Q. Why was that unit unsafe? 18 A. I have no idea. I mean, I didn't -- I 19 don't have any information around that. 20 Q. You have been out there a year and a 21 half, haven't you? 22 A. Yeah. 23 Q. You still don't understand why that unit 24 was unsafe? 25 A. I understand that there is -- there are</p>	<p style="text-align: right;">Page 177</p> <p>1 A. Oh, yeah. 2 Q. Are you aware that, in 2003, the blowdown 3 drum was so rusted out that they couldn't even put 4 personnel in to inspect it out of fear that it 5 would collapse on them? 6 A. I... 7 MR. BROWN: Objection, form. 8 A. Did I -- you know, I read that in 9 reports, yeah, subsequent to my arrival here. 10 Q. (BY MR. COON) Are you aware there were a 11 number of problems with the alarms? 12 A. Uh-huh, as reported in the Mogford 13 report. 14 Q. That is a "yes," correct? 15 A. Yes, as reported in the Mogford report. 16 Q. You are not going to dispute any of the 17 concessions made in the Mogford report with respect 18 to a number of operational failings associated with 19 the ISOM unit and the raffinate splitter? 20 A. No. I mean, I'm not going to dispute any 21 points made by the Mogford report. 22 Q. Did you know John Runfola? 23 A. Who? 24 Q. Mr. Runfola, he was your I&amp;E technician 25 on that unit?</p>

Page 178

1 A. No.  
 2 MR. BROWN: Objection, form.  
 3 Q. (BY MR. COON) Have you been provided  
 4 with his deposition testimony?  
 5 A. I have not, no.  
 6 Q. Mr. Runfola described the ISOM unit as a  
 7 "piece of junk." Are you aware of that?  
 8 A. No.  
 9 Q. Would you take issue with that?  
 10 A. If the guy said it, then I was unaware  
 11 that he said that.  
 12 Q. Would you agree that the technician on  
 13 that unit would be in a better position of  
 14 ascertaining the condition of that unit than  
 15 yourself, sir?  
 16 A. Yes.  
 17 Q. So you would defer to the technician on  
 18 that unit?  
 19 A. I would defer to a technical assessment,  
 20 not the statement that it's a piece of junk.  
 21 Q. Mr. Maclean, you would assume that one  
 22 fatality is one too many at your refinery, wouldn't  
 23 you, sir?  
 24 A. Uh-huh, yes.  
 25 Q. And as I understand, you are out at

Page 179

1 Texas City now to help change things and help  
 2 reduce the risk associated with working out at that  
 3 facility?  
 4 A. Yes.  
 5 Q. You've told us a number of things that  
 6 you have overseen to help in that process, which  
 7 includes removing the trailers off the site?  
 8 A. Yes.  
 9 Q. It includes removing all the blowdown  
 10 drums?  
 11 A. Yes.  
 12 Q. It includes better education and training  
 13 of your personnel?  
 14 A. Yes.  
 15 Q. It includes removing vehicles that are  
 16 not necessary for the performance of work at that  
 17 facility?  
 18 A. Yes.  
 19 Q. Were you aware of prior instances of  
 20 problems associated with trailers at refineries?  
 21 A. No.  
 22 Q. You're sitting here today saying you've  
 23 never heard of trailers being blown up in other  
 24 refineries as a result of being placed in too close  
 25 a proximity to hydrocarbons?

Page 180

1 A. To the best of my recall, I have not  
 2 heard of other instances of that.  
 3 Q. Did you know that happened down at the  
 4 facility in Pennsylvania about ten years ago  
 5 involving the same contractors that you had out  
 6 there on that job?  
 7 A. No.  
 8 Q. That's news to you today?  
 9 A. Yes.  
 10 Q. So if that happened ten years ago, that's  
 11 something that would not be new to industry?  
 12 MR. BROWN: Objection, form.  
 13 A. Well, I -- I can't really comment.  
 14 Q. (BY MR. COON) Okay. Well, you talked --  
 15 A. If it happened in the industry, it  
 16 happened in the industry. The industry knows about  
 17 that.  
 18 Q. Well, you told us earlier that industry  
 19 has learned from what happened March 23rd, 2005 and  
 20 industry has taken action --  
 21 A. Uh-huh.  
 22 Q. -- correct?  
 23 A. Uh-huh.  
 24 Q. And that industry includes BP, as well as  
 25 your competitors?

Page 181

1 A. Correct.  
 2 Q. And that's because within your industry,  
 3 you exchange information, do you not?  
 4 A. Yes.  
 5 Q. And even though they are -- many of them  
 6 are your competitors in the marketplace, you share  
 7 information for the betterment of your employees  
 8 and the operations of your facilities?  
 9 A. For safety reasons, yeah.  
 10 Q. And there are conferences that occur  
 11 nationally, as well as internationally, where there  
 12 are speakers that talk about these issues, where  
 13 information is disseminated within the industry so  
 14 that everyone has a better understanding of what is  
 15 going on in that sector?  
 16 A. Yes.  
 17 MR. BROWN: Objection, form.  
 18 Q. (BY MR. COON) Now, with respect to the  
 19 trailers, you say that you learned something or  
 20 that BP learned something about trailers as a  
 21 result of this explosion, correct?  
 22 A. Yes.  
 23 Q. And that is that if you put trailers too  
 24 close to operating units, that they can potentially  
 25 be blown up as a result of escaped hydrocarbons

<p style="text-align: right;">Page 182</p> <p>1 hitting an ignition source?  2 A. The risks are increased by putting  3 trailers beside units.  4 Q. Okay. But this is not something that BP  5 learned on March 23rd, is it, sir?  6 A. It is a big lesson from March 23.  7 Q. Well, it's something that they knew  8 before March 23rd, though, isn't it?  9 A. From what source?  10 Q. From their own handbook?  11 A. That would be the Amoco handbook you're  12 referring to?  13 Q. Yes, sir.  14 A. Well, I guess so, yeah.  15 Q. Okay. As a matter of fact, you knew  16 Mr. Sorrels from the Whiting facility, right?  17 A. Yes.  18 Q. Did you know that Mr. Sorrels put  19 together a blast analysis on trailer handbook  20 siting in 1995, even before you went to work at  21 Whiting?  22 A. No, I was unaware of that.  23 Q. Did you know that that handbook was  24 utilized at the Whiting facility while you were the  25 business unit leader at that plant?</p>	<p style="text-align: right;">Page 184</p> <p>1 A. Right.  2 Q. Are you aware of any of that?  3 A. No.  4 Q. You did not know that that handbook was  5 generated around 1995?  6 A. No.  7 Q. You did not know that they had taken into  8 account the impact of a vapor cloud explosion and  9 how it would affect various types of construction  10 materials that were utilized for locating people on  11 refinery facilities?  12 A. Outside my -- I wasn't around. No, I  13 don't know about that.  14 Q. Okay. Well, if, in fact, your company  15 had, in fact, done this type of work that  16 Mr. Sorrels testified he had done in the mid 1990s,  17 where they had utilized blast analysis information  18 to ascertain the impact of a vapor cloud explosion  19 on trailers, then it would be fair to say that this  20 was knowledge that your company had before  21 March 23, 2005?  22 A. I would say so, yeah.  23 Q. And if, in fact, that information from a  24 blast analysis standpoint had made a determination  25 that trailers should not be located any closer than</p>
<p style="text-align: right;">Page 183</p> <p>1 A. Well, I knew it was part of the -- well,  2 I knew there was a -- there was a good safety  3 organization and infrastructure there.  4 Q. Okay. Well, when you were the business  5 unit leader out there, you had a handbook -- and  6 we're talking about 1998 to 2000, 2001, right, that  7 time frame?  8 A. (No audible response.)  9 Q. So while you were the plant manager at  10 Whiting in that two- or three-year time frame,  11 there was a handbook that was utilized by your  12 facility --  13 A. Okay.  14 Q. -- the Whiting facility, with respect to  15 trailer siting.  16 Are you aware of that?  17 MR. BROWN: Form.  18 A. Not specifically.  19 Q. (BY MR. COON) Well, Mr. Sorrels has  20 testified that not only was one utilized at the  21 Whiting facility during the time frame that you  22 were the plant manager, but that he was the author  23 of that handbook.  24 A. Okay.  25 Q. And he told us how it had come to be.</p>	<p style="text-align: right;">Page 185</p> <p>1 350 foot to an operating unit out of risk of  2 collateral damage from a vapor cloud explosion,  3 then that would be knowledge that BP had before  4 March 23, 2005?  5 MR. BROWN: Objection, form.  6 A. If this information existed on the  7 records, then that information exists.  8 Q. (BY MR. COON) And were you aware that  9 that very handbook that Mr. Sorrels put together in  10 1995 at the refinery that you ran in Whiting, that  11 that same handbook was utilized and modified to fit  12 Texas City's needs the next year?  13 A. No, I was unaware of that.  14 Q. So you were not aware, as we even sit  15 here today, that the Texas City facility had its  16 own handbook regarding trailer siting and the  17 impact of a blast on trailers --  18 A. I was not --  19 MR. BROWN: Objection --  20 A. -- in a position --  21 Q. (BY MR. COON) -- that had been in  22 existence for ten years before this explosion?  23 MR. BROWN: Objection, form.  24 A. I was not in a position to know these  25 things.</p>

Page 186

1 Q. (BY MR. COON) Were you aware of how  
 2 BP Amoco came to determine that 350 foot was the  
 3 minimum distance that a trailer could be located  
 4 from an operating unit?  
 5 MR. BROWN: Objection, form.  
 6 A. I was not in a position to know these  
 7 things.  
 8 Q. (BY MR. COON) Have you ever been told  
 9 anything about the distances that were set by the  
 10 handbook with respect to safe operational distances  
 11 from operating units?  
 12 A. Not that I recall.  
 13 Q. Did you know that in the handbook that  
 14 your company decided that you could put trailers  
 15 closer to an operating unit than buildings that  
 16 were made of stronger construction materials?  
 17 A. I'm not in -- I was not in a position to  
 18 know that.  
 19 Q. Did you know that the reason they  
 20 determined they could put trailers closer to a unit  
 21 than buildings that were made stronger was because  
 22 those trailers could roll over if there was a vapor  
 23 cloud explosion?  
 24 A. I was not privy to that information.  
 25 Q. Were you aware that there were MOCs

Page 187

1 dealing with the trailers that were located next to  
 2 the ISOM unit on the date of the explosion?  
 3 A. Not -- not that I recall.  
 4 Q. Did you know that the management of  
 5 change forms with respect to the trailers that were  
 6 occupied that day had not been completed and that  
 7 those trailers were not supposed to be occupied?  
 8 A. I believe that that is part of the  
 9 Mogford investigation.  
 10 Q. And since you have been out there the  
 11 last year and a half, what, if anything, have you  
 12 done to determine who at BP was responsible for  
 13 allowing those trailers to be located there and  
 14 occupied without having gone through a proper  
 15 commissioning process?  
 16 A. Nothing. It's not my job.  
 17 Q. Whose job is it to determine who at BP is  
 18 responsible for allowing that to have happened?  
 19 A. That's a matter for the management of the  
 20 BP Group.  
 21 Q. Aren't you management in the BP Group?  
 22 A. No, I came here to create a future for  
 23 BP Texas City, not to analyze what happened.  
 24 Q. Well, a decision was made to punish some  
 25 low level employees and, in fact, fire them for

Page 188

1 their role in this explosion; is that correct?  
 2 MR. BROWN: Objection, form.  
 3 A. I understand some people were terminated.  
 4 Q. (BY MR. COON) And the Mogford report  
 5 points out what deficiencies existed that justified  
 6 termination of certain individuals, did it not?  
 7 A. Yes.  
 8 Q. But the Mogford report makes no mention  
 9 of who was responsible at BP management for  
 10 allowing those trailers to be there in the first  
 11 place, does it?  
 12 MR. BROWN: Objection, form.  
 13 A. I don't recall.  
 14 Q. (BY MR. COON) As the plant manager  
 15 there, wouldn't you at least want to know who in  
 16 management had allowed that to happen so that you  
 17 would know whether or not you even wanted them to  
 18 still work out there and continue to be making  
 19 management decisions under your watch?  
 20 A. No.  
 21 Q. You don't really care which person --  
 22 A. No, we go --  
 23 Q. Excuse me.  
 24 You don't care who in management  
 25 is working out there today that made that decision?

Page 189

1 MR. BROWN: Objection, form.  
 2 A. The issue for me is, first of all, we got  
 3 the trailers out of the -- out of the place. And  
 4 secondly, it was to start rebuilding the confidence  
 5 of the people that we depended on to run the place  
 6 safely.  
 7 Q. (BY MR. COON) Well, how do you restore  
 8 the confidence of the people that work out there if  
 9 you don't do anything to ascertain who in  
 10 management made the decisions that resulted in the  
 11 fatalities in the first place?  
 12 MR. BROWN: Objection, form.  
 13 A. We did the investigation with regard to  
 14 the Mogford report and the Stanley report. Those  
 15 are the investigations that I'm -- that I've  
 16 gotten.  
 17 Q. (BY MR. COON) Well, you understand that  
 18 all the people that were killed were in those  
 19 trailers located next to the unit, correct?  
 20 A. Yes.  
 21 Q. And you understand that those trailers  
 22 were not supposed to be there, correct?  
 23 A. The trailers --  
 24 MR. BROWN: Objection, form.  
 25 A. I mean, I don't know what the current

<p style="text-align: right;">Page 190</p> <p>1 practice was.  2 Q. (BY MR. COON) Well, you know today from  3 the Mogford report those trailers were not supposed  4 to be there?  5 A. In hindsight --  6 MR. BROWN: Objection, form.  7 THE WITNESS: Sorry.  8 A. In hindsight, yes.  9 Q. (BY MR. COON) Well, not only in  10 hindsight, in foresight.  11 They had never been approved to be  12 occupied, had they, sir?  13 A. I can't debate that with you, sir. I  14 mean, I wasn't there.  15 Q. Well, that's in the Mogford report,  16 though, isn't it?  17 A. If it's -- the Mogford report is a fair  18 and factual investigation of what happened.  19 Q. And the Mogford report states that BP had  20 not commissioned those trailers for occupancy,  21 doesn't it, sir?  22 A. Yes.  23 Q. And as a result of them not being  24 commissioned for occupancy, that means that no one  25 was supposed to be in there, correct?</p>	<p style="text-align: right;">Page 192</p> <p>1 and competent to do their job?  2 A. I believe the team I have today are  3 qualified and competent.  4 Q. Well, don't you know that one of them is  5 the person that made the decision to allow those  6 trailers to be occupied there for a number of  7 months?  8 MR. BROWN: Objection, form.  9 A. No, I don't.  10 Q. (BY MR. COON) Well, assuming that that  11 person is still there, that would be a person that  12 you agree made bad decisions --  13 A. I don't --  14 Q. -- in the past?  15 A. I can't assume whether the person is  16 there or not. I can't assume that any decisions  17 were made.  18 Q. Well, who have you fired out there that  19 may have had a role in the trailer siting?  20 A. I don't fire people as a result of -- of  21 what happened in -- on the ISOM. That was not my  22 job.  23 Q. Well, we understand it wasn't your job,  24 sir; but you're still responsible today.  25 You have the ability to fire</p>
<p style="text-align: right;">Page 191</p> <p>1 A. That would be the conclusion, yeah.  2 Q. And yet BP management allowed those  3 trailers to be located there and allowed  4 contractors to be occupying those trailers for a  5 number of months before this explosion, didn't  6 they?  7 A. Yes.  8 Q. And in spite of that, the Mogford report  9 makes no mention of who in BP management was  10 responsible for allowing that to happen, correct?  11 A. I don't recall.  12 Q. And the best you know, whoever was  13 responsible in BP management for making that  14 decision is still working out there?  15 A. Well, that may be so.  16 Q. Well, since you don't know who did it,  17 you have no reason to believe that that person is  18 no longer there, do you?  19 MR. BROWN: Objection, form.  20 A. I really -- you know, I'm focused not on  21 finding out what happened, but I'm going  22 to recreate -- create a future for BP Texas City.  23 Q. (BY MR. COON) Well, and in creating a  24 future, don't you want to know that the people that  25 you have working out there for you are qualified</p>	<p style="text-align: right;">Page 193</p> <p>1 people out at Texas City --  2 A. I don't --  3 Q. -- do you not?  4 A. -- actually. I don't -- we don't rush  5 around firing people willy-nilly.  6 Q. That's not the question, sir.  7 The question was: Do you have the  8 authority to fire people that work under your  9 command at Texas City?  10 A. No, it -- I'm not sure about that. I'd  11 have to take advice, actually.  12 Q. You have no idea whether or not you have  13 the ability to hire or fire personnel at  14 Texas City?  15 A. A couple of things here: I'm not sure --  16 I'm not sure what the legislation around doing that  17 is; and secondly, I would certainly take advice  18 from a wide selection of people who would  19 appropriately advise me.  20 So I -- you know, we don't just  21 sort of hire and fire.  22 Q. Fair enough.  23 Have you made any effort, through  24 all the people that work for you, to determine who  25 on your management team was responsible for</p>

Page 194

1 allowing those trailers to be occupied by all those  
 2 people that were killed --  
 3 A. No.  
 4 Q. -- on March 23rd?  
 5 Why not?  
 6 A. It's not part of my job.  
 7 Q. Whose job is it to determine who was out  
 8 there making that decision that let all those  
 9 people be killed?  
 10 A. I don't know.  
 11 Q. Don't you want to know?  
 12 A. I think -- no.  
 13 Q. You don't care?  
 14 A. I think it's been dealt with. Not by me,  
 15 but by --  
 16 Q. By who?  
 17 A. Well, again, you know, I can't help you.  
 18 Q. Well, who did it?  
 19 You said somebody dealt with it.  
 20 Who dealt with it?  
 21 A. I don't know.  
 22 Q. Nobody did, did they?  
 23 A. Sorry?  
 24 Q. Nobody dealt with that issue?  
 25 A. Well, you know, I can't comment. That's

Page 195

1 the assertion you're making.  
 2 Q. Let me ask you -- I'm sorry, Mr. Maclean.  
 3 Some things I don't know. So I'm asking you.  
 4 A. I can't help you. I just don't know.  
 5 Q. You don't have any knowledge that BP, at  
 6 the Texas City level or above, has made an effort  
 7 to determine who was responsible for putting those  
 8 trailers there and allowing them to be occupied?  
 9 MR. BROWN: Object --  
 10 Q. (BY MR. COON) 18 months after the fact,  
 11 we still do not know, do we, sir?  
 12 MR. BROWN: Objection, form.  
 13 A. No.  
 14 Q. (BY MR. COON) There are people that work  
 15 for you at Texas City that you could assign to the  
 16 project of getting to the bottom of that --  
 17 A. Uh-huh.  
 18 Q. -- isn't there?  
 19 A. No, I would -- I would disagree with  
 20 that. The people I've got at Texas City have very  
 21 specific replacement accountabilities, one of which  
 22 does not include that activity.  
 23 Q. You have no authority to assign anyone at  
 24 Texas City under your command the responsibility  
 25 of -- of determining who was responsible for the

Page 196

1 trailer siting and allowing those trailers to be  
 2 occupied?  
 3 A. Were that to be an appropriate activity,  
 4 I would expect that to be dealt with outside of  
 5 BP Texas City. It's not part of my remit as  
 6 business unit leader.  
 7 Q. Okay. So your answer is: No, you do not  
 8 have any authority to ask somebody to look into  
 9 that?  
 10 A. No.  
 11 Q. You have no authority?  
 12 A. I have no authority.  
 13 Q. Do you have the authority to go to  
 14 someone above you and ask that that be followed up  
 15 on?  
 16 A. I can -- I am perfectly free to speak to  
 17 anybody I want to.  
 18 Q. And if you want to ask someone to get to  
 19 the bottom of that issue -- and, Mr. Maclean, you  
 20 say, I realize 15 people were killed in those  
 21 trailers. I realize those trailers were located in  
 22 violation of company policy. I realize those  
 23 trailers were not commissioned for occupancy. They  
 24 did not belong there?  
 25 A. That was what Mogford's report stated.

Page 197

1 Q. And you as a plant manager come in after  
 2 that happened, you have the ability to ask people  
 3 to look into it, don't you, sir?  
 4 A. No, it's not part of my -- my role as the  
 5 business unit leader.  
 6 Q. You have no ability to ask anyone to look  
 7 into that?  
 8 A. It's not part of my job description as  
 9 the business unit leader.  
 10 Q. So as business unit leader, you do not  
 11 have a responsibility for determining who in  
 12 management makes bad decisions that result in  
 13 people dying?  
 14 A. That's not part of my role as a business  
 15 unit leader of BP Texas City.  
 16 Q. Then who is responsible at BP for making  
 17 decisions to determine who is responsible --  
 18 A. I don't know.  
 19 Q. -- for people that get killed out there?  
 20 A. I don't know. I can't help you.  
 21 Q. And as a plant manager of Texas City and  
 22 as a plant manager at Whiting, you're sitting here  
 23 today saying you do not know who is supposed to  
 24 investigate who is responsible for deaths at  
 25 Texas City or elsewhere?

<p style="text-align: right;">Page 198</p> <p>1 MR. BROWN: Objection, form.  2 A. I think the -- it was thoroughly  3 investigated and it's quite clear.  4 Q. (BY MR. COON) It was thoroughly  5 investigated?  6 A. The Mogford report and the -- I forgot  7 what the other report was. I think it was the  8 Gomez report.  9 Q. I'm sorry, the Gomez report?  10 A. The same report as the -- I've been using  11 a different name for it.  12 Q. What's the Gomez report?  13 A. It's the same as the second report we  14 have been talking about all day.  15 THE WITNESS: Can you remember  16 that?  17 MR. BROWN: I think -- for the  18 record, I think there's been a reference earlier to  19 the Stanley report.  20 A. The Stanley report, one of which Gomez  21 was working. Okay? It's the same thing.  22 Q. (BY MR. COON) And as thorough as you say  23 the Mogford report is, it doesn't make a single  24 reference to who was responsible in management for  25 allowing those trailers to be there, correct?</p>	<p style="text-align: right;">Page 200</p> <p>1 yards, correct?  2 A. Uh-huh.  3 Q. So if you have an upset, you don't want  4 it to drop back in your hip pocket in a unit. You  5 want it to go out in a flare yard or some place  6 remote where if there is a fire or explosion, it is  7 not in the unit where people and equipment are  8 located, correct?  9 A. Okay.  10 Q. Correct?  11 A. Yes.  12 Q. And yet that blowdown drum was right  13 smack in the middle of an operating unit, wasn't  14 it, sir?  15 A. Yes.  16 Q. And that was something that was pretty  17 open and obvious to anybody that looked at it?  18 A. Yes.  19 Q. And it had been open and obvious for  20 20 years, hadn't it, sir?  21 A. I don't know about 20 years. I mean, it  22 was obvious today.  23 Q. Well, it had been there 20 years as an  24 ISOM unit at that location, right?  25 A. Okay. I had been advised of that.</p>
<p style="text-align: right;">Page 199</p> <p>1 A. Okay. Fine.  2 Q. I mean, that is a correct statement,  3 isn't it, sir?  4 A. As far as I recollect.  5 Q. Okay. Let's talk about something else  6 that you say industry learned that was with respect  7 to blowdown drums.  8 Are you telling us that industry  9 learned, for the first time on March 23, 2005, that  10 blowdown drums have some risks that flares don't  11 have?  12 A. Well, I think it was recognized for many  13 years.  14 Q. Sure, it had.  15 And, in fact, that's something the  16 industry didn't learn on March 23rd, 2005. It's  17 something the industry had known for decades. And  18 that's why they used flares for new construction  19 instead of blowdown drums, right?  20 A. Flares are a good industrial -- a good  21 engineering solution for atmospheric relief  22 processes.  23 Q. And not only the utilization of a flare,  24 but better designed so that any upsets occur in  25 places remote from the unit itself; that is, flare</p>	<p style="text-align: right;">Page 201</p> <p>1 Q. And it had been there 30 years before  2 that as part of an ultraformer unit?  3 A. Right.  4 Q. So it had been sitting out there at that  5 Texas City plant for 50 years in the middle of an  6 area where people worked and where equipment was  7 located, correct?  8 A. I have been advised of that, yeah.  9 Q. And we know from the Mogford report and  10 other information that there had been many prior  11 upsets on that unit that had resulted in vapor  12 releases and liquid releases on that particular  13 unit, correct?  14 A. So I believe from Mogford's report, yeah.  15 Q. And yet in spite of that, the company had  16 taken no effort to remove that blowdown drum and  17 convert everything to a flare in a safe location,  18 correct?  19 A. That's the -- yeah.  20 Q. And, in fact, BP Texas City had been  21 cited by OSHA before for a similar occurrence  22 involving a blowdown drum on another unit.  23 Are you aware of that?  24 A. Which unit was that?  25 Q. I believe it was the UU4. I'm not -- I</p>

<p style="text-align: right;">Page 202</p> <p>1 don't know if I have -- the UU3.  2 Have you seen the 19 --  3 A. Was that an -- was that an issue on a  4 blowdown or was it an issue on a -- set by an  5 exchanger or something? I'm not quite sure of the  6 circumstances.  7 Q. It was the 1991 incident involving --  8 A. Oh, '91, no idea.  9 Q. Were you aware that OSHA came out and  10 cited that facility for having vapor releases  11 forming a vapor cloud at ground level emanating  12 from a blowdown drum from another one of the  13 units --  14 A. No.  15 Q. -- at Texas City?  16 A. Not -- not in my experience.  17 Q. You're not aware of that?  18 A. No.  19 Q. Did you know that the investigator for  20 OSHA on that particular citation admonished BP to  21 remove that risk by converting that blowdown drum  22 to a flare?  23 A. No.  24 Q. Assuming that to be the case, that would  25 have been something that BP would have known about,</p>	<p style="text-align: right;">Page 204</p> <p>1 industry in years past, has it not?  2 A. I am not unaware of it.  3 Q. You're not aware of any blowdown drums or  4 flares puking liquids before this occasion?  5 A. Not in my experience.  6 Q. Did you know that that had happened at  7 Whiting when you were out there in the '98 to 2001  8 time frame?  9 A. Yeah, what I did --  10 MR. BROWN: Objection, form.  11 A. Yeah, I was. But that was -- that was an  12 RV system -- sorry -- an RV system which was in  13 heavier -- hydrocarbon heavier than air service and  14 what I did was immediately route it to a flare.  15 Q. (BY MR. COON) And you did that back when  16 you were the plant manager at the Whiting facility,  17 right?  18 A. Yeah.  19 Q. Did you send out something to the rest of  20 the BP facilities that they needed to do the same  21 thing with their blowdown drums --  22 A. I didn't --  23 Q. -- so that --  24 A. -- suggest that they --  25 Q. -- pukes at those other plants would not</p>
<p style="text-align: right;">Page 203</p> <p>1 or your company would have known about, 15 years  2 before this explosion, that blowdown drums create a  3 potential for vapors forming at ground level and an  4 explosion risk?  5 A. I can't comment.  6 Q. Do you know what, if anything, Texas City  7 did to remove the risk of vapor clouds forming at  8 ground level as a result of that citation in 1991?  9 A. No.  10 Q. Are you familiar with the term "puking"  11 as it relates to the refining industry?  12 A. No.  13 Q. Have you heard of a flare or a blowdown  14 drum "puking"?  15 A. I've heard some people refer to that as  16 what can happen.  17 Q. And what is that, sir?  18 A. Well, I mean, what I imagine is that a  19 blowdown drum overfills and hydrocarbon overflows  20 the top.  21 Q. And that's something that you are aware  22 of happens from time to time --  23 A. It happened on the ISOM incident.  24 Q. That's exactly what happened on the ISOM  25 and that's something that has happened in the</p>	<p style="text-align: right;">Page 205</p> <p>1 result in the potential for an explosion?  2 A. I didn't suggest they should do the same  3 thing. We notified the refining network that  4 that's what we'd done.  5 Q. And if they would have done that same  6 thing at Texas City when you did it over at  7 Whiting, this would not have occurred, would it?  8 A. Different circumstances.  9 MR. BROWN: Objection, form.  10 Q. (BY MR. COON) It still involved a puke  11 of liquids emanating from a blowdown drum because  12 it didn't route to a flare where it could burn off  13 in a safer location, correct?  14 A. Different services. What I did in  15 Whiting was re-route a coking unit which was  16 releasing some heavy liquids.  17 Q. Well, it doesn't matter if they are  18 heavier than air hydrocarbons --  19 A. Sometimes --  20 Q. -- because if they're liquids, they're  21 going to go to the ground anyway, aren't they?  22 A. Yeah -- well, no, actually, it does  23 matter.  24 Q. Well, if it's a flammable liquid, it's  25 going to go to the ground if it comes out the top</p>

Page 206

1 of a stack, isn't it?  
 2 A. Yeah.  
 3 Q. Have you ever seen liquid float?  
 4 A. No.  
 5 Q. So we can assume that any liquids that  
 6 came out of any of those units are going to come to  
 7 the ground if they go out the top of the  
 8 stack from --  
 9 A. Yes.  
 10 Q. -- an overpressure or an overflow,  
 11 correct?  
 12 A. Yes.  
 13 Q. And you were personally aware of  
 14 overfills occurring at other blowdown drums while  
 15 you were a plant manager at Whiting, correct?  
 16 A. Yes.  
 17 Q. And you fixed that problem by routing  
 18 everything over to a flare in a safer location so  
 19 that you wouldn't have a liquid overflow in a unit,  
 20 correct?  
 21 A. Yes.  
 22 Q. And this was something done years before  
 23 the explosion of March 23, 2005 in Texas City,  
 24 correct?  
 25 A. Yes.

Page 207

1 Q. Mr. Maclean, we have a copy of Process  
 2 Safety Standard Number 6 here, sir; and we have  
 3 prior copies of this attached and marked to the  
 4 record. I don't have a copy of that one. I'm just  
 5 going to show you this one here.  
 6 Have you seen that PSS Number 6  
 7 before, sir?  
 8 A. (Examines document.)  
 9 You know, way before my time.  
 10 Q. What's the time we're talking about  
 11 there?  
 12 A. September 20, 1977, revised March 27,  
 13 1986.  
 14 Q. Are you aware that that process safety  
 15 standard was in existence and in effect when you  
 16 were the plant manager at Whiting from '98 to 2001?  
 17 A. I can't recall. This was an issue which  
 18 was very firmly delegated in the organization I ran  
 19 in Whiting.  
 20 Q. Do you know Mr. Sorrels was personally  
 21 involved in implementing Process Safety Standard  
 22 Number 6?  
 23 A. Yeah.  
 24 Q. Were you aware of that?  
 25 A. No, I was unaware of that.

Page 208

1 Q. He was your HSSE manager at Whiting, was  
 2 he not?  
 3 A. Yes.  
 4 Q. I will show you page 5 of this document,  
 5 Paragraph C. It talks about blowdown systems.  
 6 You've never seen that before?  
 7 A. (Examines document.)  
 8 Q. Would you read Number 1 for me, please,  
 9 sir?  
 10 A. "New blowdown stacks which discharge  
 11 directly to the atmosphere are not permitted."  
 12 Q. It sounds like a good policy, isn't --  
 13 doesn't it?  
 14 A. It sounds good, yeah.  
 15 Q. Did you know that five years after this  
 16 policy was revised in 1986, that your employer put  
 17 together a committee to help remove all the  
 18 blowdown drums in all of your company's plants?  
 19 A. Out of my time frame. Unaware of it.  
 20 Q. Did you know that that committee was  
 21 killed as a result of funding issues?  
 22 MR. BROWN: Objection to form.  
 23 A. That's outside of my experience.  
 24 Q. (BY MR. COON) Mr. Maclean, I want to  
 25 talk to you a little bit about cost-benefit

Page 209

1 analysis.  
 2 Are you familiar with that  
 3 principal as a businessman, sir?  
 4 A. Say a little more.  
 5 Q. Yes, sir.  
 6 Are you familiar with the concept  
 7 of "cost-benefit analysis"?  
 8 A. That's not a procedure I use.  
 9 Q. What would you use, sir?  
 10 A. Well, in what context?  
 11 Q. In any context?  
 12 A. I don't -- sorry, I don't understand your  
 13 question.  
 14 Q. Yes, sir. I'm just asking you, sir --  
 15 A. Actually, I don't understand  
 16 "cost-benefit analysis." What do you mean by that?  
 17 Q. You don't know what a cost-benefit  
 18 analysis is as a businessman --  
 19 A. I don't use it.  
 20 Q. What do you use in your decision-making  
 21 with respect to where to put your money?  
 22 A. Lots of criteria.  
 23 Q. What are they?  
 24 A. I mean, safety is the first one.  
 25 Sustainability, reliability, return on capital, net

<p style="text-align: right;">Page 210</p> <p>1 present value, internal rate of return. So a 2 mixture of -- of safety, technology, investment and 3 return. 4 Q. Okay. So obviously anything you do costs 5 money, right? 6 A. Yeah. 7 Q. Time and money -- 8 A. Yeah. 9 Q. -- personnel, et cetera. 10 So you have to look at the cost in 11 terms of time or money and then you look at the 12 benefit, which is safety benefits, you can do 13 something, you can spend money to make something 14 safer, right? 15 A. I would tend to look at what's required 16 in terms of safety before I look at the money. 17 Q. Okay. Well, you have to spend some money 18 to effect more safely? 19 A. Ultimately you do, but that's not the 20 first thing you do. 21 Q. Okay. What's the first thing to do? 22 A. You look at what's required to be done -- 23 Q. Okay. 24 A. -- in terms of maintenance and safety and 25 so forth.</p>	<p style="text-align: right;">Page 212</p> <p>1 you? 2 A. We're burning 15 to 18 million manhours a 3 day, and that's about maxed out. 4 Q. You haven't always done that, though, 5 have you? 6 A. No. 7 Q. So there have been times in the past 8 where you could have utilized more resources out 9 there than you have, correct? 10 A. That may well be the -- 11 MR. BROWN: Objection, form. 12 A. -- case, but I can't really comment on 13 it. 14 Q. (BY MR. COON) Okay. Well, let's just 15 talk about the dollars that you have out there, 16 where you spend them. 17 You look at safety and 18 maintenance, correct? 19 A. Yeah. 20 Q. As you should, you put those first, 21 right? 22 A. Safety always comes first. 23 Q. Okay. And then also as a businessman, it 24 doesn't make sense to spend money on this stuff 25 unless at the end of the day your company can make</p>
<p style="text-align: right;">Page 211</p> <p>1 Q. Okay. So when you have dollar bills in 2 your hand and you have to decide out of the dollars 3 you have where you're going to spend them, you're 4 saying you first look at safety. I have to spend 5 my money first on safety and maintenance? 6 A. Let me be very clear about this. 7 Q. Yes, sir. 8 A. My constraint is not dollars. It's the 9 human resources available to get stuff done in a -- 10 in the right way. 11 Q. Okay. So you have no restraint on the 12 dollars? 13 A. No. 14 Q. So you can spend whatever dollars you 15 want to? 16 A. Basically, if they're on the right 17 things, yeah. 18 Q. So if you wanted to spend \$10 billion at 19 Texas City next year, you could? 20 A. Couldn't do it. I don't have the 21 resources to do that. 22 Q. Well, you could call out every contractor 23 in the world to come out there the same year and 24 cover the place up with 10,000 people and spend 25 50 times more than your annual budget, couldn't</p>	<p style="text-align: right;">Page 213</p> <p>1 a profit, right? 2 A. Well, not on safety issues. You don't 3 make a profit on safety issues. 4 Q. Well, you don't make a profit on safety 5 issues per se; but you're not in business to lose 6 money, are you, sir? 7 A. I'll tell you: If you're running a safe 8 business, ultimately it's going to be a profitable 9 business; but it's safety first. 10 Q. Okay. So we will take safety first. 11 That's a given. 12 Now, once you have safety first, 13 you still have to look in places to spend money 14 where you can make some money, right? 15 A. That's capital investment, yeah. 16 Q. Sure. 17 And what they call "return on 18 investment"? 19 A. But then there's revenue investment, as 20 well, which is different. 21 Q. Okay. And in doing this, do you ever 22 factor in the cost of a human life in making a 23 decision, a safety decision? 24 A. I have never done that. 25 Q. Do you know that BP does?</p>

Page 214

1 A. I don't think BP does.  
 2 Q. I'm going to show you a document called  
 3 "Risk Management and Assessment."  
 4 Have you ever seen this, sir?  
 5 A. (Examines document.)  
 6 This is a document in 1999, yeah.  
 7 Q. Shortly after the merger between BP and  
 8 Amoco, wasn't it?  
 9 A. "So as a follow on to Amoco's efforts  
 10 late last year, we wish to protocol..."  
 11 Q. Okay. Now, you grew up through the  
 12 BP system, right?  
 13 Is that correct, Mr. Maclean? You  
 14 worked for BP most of your adult life?  
 15 A. Yeah.  
 16 Q. And Amoco had its own culture, didn't it,  
 17 sir?  
 18 A. Yeah, I know what this refers to.  
 19 Q. Have you seen that document before?  
 20 A. Yeah, this is to look at -- that's one  
 21 way to look at risk statistically. It's not a  
 22 process that I've ever used.  
 23 Q. It's not a process -- I'm sorry, what,  
 24 sir?  
 25 A. That I've ever used.

Page 215

1 Q. You've not used a process --  
 2 A. And, indeed, there's no businesses where  
 3 that has been any -- any part of any analysis I've  
 4 done on risk.  
 5 Q. Okay. So you take issue with this  
 6 BP document dated March 4, 1999?  
 7 A. Yeah.  
 8 Q. You do not believe it is a proper concept  
 9 to utilize in the operation of a refinery?  
 10 (Mr. James B. Galbraith joins the  
 11 deposition proceedings.)  
 12 A. It depends on what they're trying to do.  
 13 And you will find that the statistical analysis of  
 14 risk in -- in the whole world seeks to put values  
 15 on -- on variables when you're doing a mathematical  
 16 analysis of risk.  
 17 Q. (BY MR. COON) Sure.  
 18 And when you do a pure  
 19 mathematical analysis of risk, you have to put  
 20 numbers on many issues --  
 21 A. Yeah.  
 22 Q. -- including equipment and personnel,  
 23 don't you, sir?  
 24 A. That's a pretty common practice, yes.  
 25 Q. And if you would do it in what would --

Page 216

1 some people would say would be a rather coldhearted  
 2 or callous manner, you actually have to put a  
 3 number on human lives, don't you, sir?  
 4 A. Well, I would ask you to take the  
 5 emotional aspect -- this is a mathematical  
 6 exercise. It's not actually created -- you know,  
 7 judging whether life is valuable or not valuable.  
 8 It's a mathematical assessment.  
 9 Q. Sure.  
 10 And you would agree that people  
 11 have value, don't they, sir?  
 12 A. Absolutely, but not -- not numerical  
 13 value when it comes down to real -- real world.  
 14 Q. In the real world, you put a number on a  
 15 person's head, don't you, sir?  
 16 A. I don't.  
 17 Q. BP does, don't they?  
 18 A. I have no evidence to suggest that they  
 19 do.  
 20 Q. Well, you've got the document I just  
 21 showed you as evidence that they do, don't you,  
 22 sir?  
 23 A. This is a document -- whether it was put  
 24 into effect is another question.  
 25 Q. Well, it actually says in here, doesn't

Page 217

1 it, sir, that under the risk management and  
 2 assessment that BP utilized, that BP did something  
 3 that Amoco Heritage didn't do; and that is, they  
 4 put a price on persons' heads as part of the  
 5 equation in a risk benefit analysis?  
 6 MR. BROWN: Objection, form.  
 7 Q. (BY MR. COON) Isn't that what it says?  
 8 MR. BROWN: Objection, form.  
 9 A. What does it say?  
 10 Q. (BY MR. COON) Well, when it talks about  
 11 it, page 2, the "cost of a human life"?  
 12 A. Oh, it doesn't -- it doesn't actually say  
 13 the price on the -- on the --  
 14 Q. Well, it says the "cost of a human life"  
 15 there, doesn't it?  
 16 A. They are different words.  
 17 Cost -- inferred cost of a human  
 18 life. BP embraced for these costs to be specified  
 19 for the purpose of a cost-benefit analysis.  
 20 Well, there you go.  
 21 "Amoco is generally unwilling to  
 22 take this step. This is more a cultural issue than  
 23 a technical one, but one that will have to be  
 24 addressed. I don't think any of these issues, as  
 25 well as others, that may be out there are

<p style="text-align: right;">Page 218</p> <p>1 unresolvable. I do think, however, that we should 2 try to anticipate as many of these as we can." 3 Now, you know, I'm not sure how 4 far this was progressed. It was -- plainly it is a 5 discussion of what sort of analysis should we use 6 when we're -- when we're looking at risk. Now -- 7 Q. When you talk about how far it had 8 progressed, how long had the concept of putting a 9 cost on a human life existed in the culture of BP? 10 A. I don't know. 11 MR. BROWN: Objection, form. 12 Q. (BY MR. COON) You don't know how many 13 years prior to the time this document was generated 14 in March of 1999 that that concept of putting a 15 cost on a human life had existed at BP? 16 MR. BROWN: Objection, form. 17 A. All I can say is that absolutely I have 18 no experience of this anywhere in -- in my business 19 life. 20 Q. (BY MR. COON) Okay. So you don't 21 embrace this concept of putting a number on a 22 person's head to determine whether or not you make 23 a business decision that could reduce the risk to 24 someone, is that what you're saying? 25 A. I don't --</p>	<p style="text-align: right;">Page 220</p> <p>1 A. Yeah. 2 Q. -- in Chicago? 3 A. Uh-huh. 4 Q. I thought Mr. Manzoni had to catch a 5 flight out of town. I guess he went to a meeting. 6 Who was at this meeting? 7 A. The US BULs. The US business unit 8 leaders of refining. 9 Q. What was the general topic of discussion? 10 A. It was pretty much sort of strategy. 11 Q. Strategy about what? 12 A. Refining. 13 Q. Did Mr. Manzoni talk to you at all or to 14 the group about his deposition earlier that day? 15 A. Not at all. 16 Q. Did Mr. Manzoni tell you the story about 17 the three little pigs? 18 A. No. 19 Q. I want to show you the story about the 20 three little pigs. This is the BP story of three 21 little pigs. 22 Have you seen this document called 23 the "Group HSE Standard Major Accident Risk 24 Awareness Training" dated October, 2002? 25 A. No.</p>
<p style="text-align: right;">Page 219</p> <p>1 MR. BROWN: Objection to form. 2 A. I don't. I expect nobody in the senior 3 positions at BP would. 4 Q. (BY MR. COON) When was the last time you 5 spoke with Mr. Manzoni? 6 A. Last Friday. 7 Q. Was that after his deposition? 8 A. No. 9 Q. Before his deposition? 10 A. Yes. 11 Q. What time was it? 12 A. Friday, 1 -- 1:00 p.m. 13 Q. 1:00 p.m. That would be maybe right 14 after his deposition. 15 What did he talk to you about? 16 A. Nothing to do with depositions. 17 Q. Well, it's interesting that he would call 18 you about two minutes after the deposition. 19 A. He didn't call me. This was a -- this 20 was a meeting. 21 Q. I'm sorry, it was what? 22 A. This was a meeting in Illinois. 23 Q. Yes, sir. 24 So you had a meeting with 25 Mr. Manzoni Friday --</p>	<p style="text-align: right;">Page 221</p> <p>1 Q. Have you ever seen that document before, 2 sir? 3 A. No. 4 Q. Do you know the story of the three little 5 pigs -- 6 A. (Nods head.) 7 Q. -- and the big bad wolf? 8 A. Uh-huh. 9 Q. Do you remember generally how that goes? 10 A. Yes. 11 Q. One little pig had a house of straw, one 12 had a house of sticks, and one made it out of 13 bricks? 14 A. Uh-huh. 15 Q. What was your understanding of the -- the 16 moral or lesson to be learned from the three little 17 pigs? 18 A. Build your house out of bricks. 19 Q. Why is that? 20 A. Because it's stronger. 21 Q. It costs more, though, doesn't it? 22 A. It's not part of the fairy tale. 23 Q. It's really not a fairy tale, though, in 24 some respects, is it? 25 A. Well, it's a fairy tale as far as I</p>

<p style="text-align: right;">Page 222</p> <p>1 understand it. That's where it came into my life, 2 and that's where it sits. 3 Q. I want to show you some portions of this 4 "Major Accident Risk Awareness Training." 5 And if we look at that, this is 6 your company. It has the BP insignia crest there, 7 isn't it? 8 A. (No audible response.) 9 Q. Isn't that your company crest there, sir? 10 A. Yes. 11 Q. And here's an agenda with the names of 12 some individuals there. 13 Do you know Mr. Mancini or 14 Mr. Wright or Mr. Vogel mentioned there? 15 A. No. 16 Q. And it appears to be a PowerPoint 17 presentation used here. You saw that? 18 A. No. 19 Q. Okay. Well, they talked about the 20 cost-benefit analysis here. This was part of the 21 presentation. And in it your presenters use the 22 story of the three little pigs. I have them at the 23 top right corner here. 24 Do you see three little pigs? 25 A. (Nods head.)</p>	<p style="text-align: right;">Page 224</p> <p>1 A. Yes. 2 Q. (BY MR. COON) And then it shows the 3 actual cost of these houses. 4 So there's a recognition that the 5 ones with more vulnerability obviously cost less, 6 right? 7 A. Yeah. 8 Q. And that's the calculation that is 9 utilized in determining, from a cost-benefit 10 analysis, which building you would want to build 11 your house out of, one that has a high level of 12 vulnerability that costs less versus one that has a 13 low level of vulnerability that costs more? 14 MR. BROWN: Objection, form. 15 Q. (BY MR. COON) That's the analysis that 16 we draw here, correct? 17 MR. BROWN: Objection, form. 18 Q. (BY MR. COON) Correct, sir? 19 A. I understand your analysis. 20 Q. Now, they go on in this presentation to 21 talk about frequencies and consequence. And the 22 frequency here, sir, is that this is how often the 23 big bad wolf blows with the frequency of once per 24 piggy lifetime. 25 So this is what they're using as</p>
<p style="text-align: right;">Page 223</p> <p>1 Q. And the example they use are the houses 2 that the three little pigs built, which is the 3 straw, sticks and brick houses. 4 Do you recall that from the -- 5 A. Yeah. 6 Q. -- the fable when you were a kid? 7 A. Yeah. 8 Q. There is the fourth house here, the blast 9 resistant house. 10 Now, I think we can all assume 11 that was not in the original fable, was it? 12 A. No, it's not. 13 Q. To the best of your knowledge, there 14 wasn't a -- 15 A. No, no, no. 16 Q. And then it talks about the vulnerability 17 of those different types of buildings. 18 Do you see that? 19 A. Uh-huh. 20 Q. And the conclusions that BP personnel 21 made here is about the same as you recall from your 22 reading of "The Three Little Pigs" earlier, which 23 is that the stronger building, here brick, has much 24 less vulnerability than the straw house, correct? 25 MR. BROWN: Objection, form.</p>	<p style="text-align: right;">Page 225</p> <p>1 the foundation for the frequency of occurrence from 2 a risk analysis. 3 You understand that, don't you, 4 sir? 5 MR. BROWN: Objection, form. 6 Q. (BY MR. COON) Is it a low risk -- 7 A. Yes, I -- 8 Q. -- or a high risk? 9 A. -- understand the concept, yeah. 10 Q. And then it talks about the consequence 11 of that occurring, which is that if the wolf blows 12 down the house, the piggy is gobbled? 13 A. Yeah. 14 MR. BROWN: Objection, form. 15 Q. (BY MR. COON) Now, what they are talking 16 about here, as you look at these different 17 construction materials and their vulnerability, is 18 what happens if the building is destroyed, right? 19 A. Yeah. 20 Q. And in this scenario, when you look at 21 the vulnerabilities, the piggy is gobbled. 22 Now, in real life, those are the 23 personnel that are in the trailers, right? 24 MR. BROWN: Objection, form. 25 A. I'm sorry, what was that?</p>

<p style="text-align: right;">Page 226</p> <p>1 Q. (BY MR. COON) Yes, sir.  2 If the people are in the --  3 A. Would you say that --  4 Q. -- trailers --  5 A. -- again?  6 Q. Yes, sir.  7 If the people are --  8 A. How do people get to be -- I -- this  9 is -- this is...  10 Q. Well, that's the analogy here, isn't it,  11 sir?  12 A. Sorry, what about?  13 Q. The analogy here is people in trailers?  14 A. Stay -- stay with the analogy and ask me  15 the question again.  16 Q. Yes, sir.  17 The recognition here is that if  18 the house blows down, the piggy is gobbled,  19 correct?  20 A. That's the -- that's the fairy tale.  21 Q. That is the fairy tale.  22 And the conversion here, when you  23 look at the cost of these different buildings, is  24 that if the building blows down, the personnel in  25 them can be killed.</p>	<p style="text-align: right;">Page 228</p> <p>1 to a level is -- is an industry standard, as low as  2 reasonably practical. That does not necessarily  3 imply that a cost-benefit analysis is needed. I  4 disagree with this logic.  5 MR. LINEBAUGH: Objection,  6 nonresponsive.  7 MR. COON: We'll take a break  8 here.  9 THE VIDEOGRAPHER: Going off the  10 record at 1:26.  11 (Recess taken.)  12 THE VIDEOGRAPHER: This is Tape 5.  13 We are going on record at 1:46.  14 Q. (BY MR. COON) Mr. Maclean, I want to  15 back up, if we can, to the -- some things we  16 covered before the last break on this meeting in  17 Illinois last week.  18 This was a meeting of the business  19 unit leaders at the various plants that BP operates  20 here in the States?  21 A. Yeah.  22 Q. Was this a scheduled conference that  23 occurs at periodic times, quarterly or annually or  24 anything?  25 A. It's not periodic. It's -- from time to</p>
<p style="text-align: right;">Page 227</p> <p>1 MR. BROWN: Objection, form.  2 A. Now, this is getting to be very  3 distasteful. Please go ahead.  4 MR. BOND: Objection,  5 responsiveness.  6 Q. (BY MR. COON) And the purpose of all  7 this is to ascertain what are and are not  8 acceptable risks for your company to take as it  9 relates to the lives of people that work out there,  10 right?  11 MR. BROWN: Objection, form.  12 A. If -- yeah, I can see what the analogy is  13 pointing to.  14 Q. (BY MR. COON) And interestingly,  15 although this document was from a presentation in  16 2002, your company here is talking about how long  17 it's going to take them to get rid of these  18 unacceptable risks.  19 And they say they're not going to  20 be able to get rid of them until the end of 2005;  21 is that correct?  22 A. Yeah.  23 Q. Now, this in and of itself is also  24 unacceptable, isn't it, sir?  25 A. I think that's probably -- reducing risks</p>	<p style="text-align: right;">Page 229</p> <p>1 time we meet as a leadership team and discuss  2 issues of strategic importance.  3 Q. Is this something that occurs once a year  4 or --  5 A. No, no, no.  6 Q. -- once a quarter?  7 A. Much more frequently than that.  8 Q. And are they typically face-to-face  9 meetings like this one or are they more often  10 teleconferences or something?  11 A. They're a mixture of face-to-face and  12 video conference, teleconference.  13 Q. And in addition to the BULs, are there  14 representatives of, say, Chicago or London that  15 usually attend these meetings?  16 A. Yes.  17 Q. Who are the other persons in Chicago that  18 would routinely attend these?  19 A. Members of our team, which is refinery  20 and technology.  21 Q. Would that be, for instance, Mr. Gower?  22 A. Yes.  23 Q. Would that also usually include the  24 president, as well, or -- like Mr. Pillari or  25 Mr. Malone?</p>

Page 230

1 A. Malone, not -- not so far since  
 2 Mr. Malone has been in office.  
 3 Q. What about from London? Does Mr. Hoffman  
 4 attend these meetings from time to time?  
 5 A. Not so much in the USA, but we have  
 6 fairly regular global meetings where all the  
 7 refineries from Australia, Europe, America get  
 8 together.  
 9 Q. Did anyone from London attend this  
 10 meeting in Illinois?  
 11 A. No.  
 12 Q. Does Mr. Manzoni attend some of these  
 13 meetings?  
 14 A. Yes.  
 15 Q. Does Lord Browne attend any of these  
 16 meetings?  
 17 A. No.  
 18 Q. When was the last time you had an  
 19 opportunity to personally talk to Lord Browne?  
 20 A. Maybe six, seven months ago.  
 21 Q. What was that in regards to?  
 22 A. It was in regards to progress at  
 23 Texas City.  
 24 Q. Was this a scheduled meeting where he  
 25 just called in to see how things were going or

Page 231

1 what?  
 2 A. Lord Browne stays in touch with most of  
 3 his assets around the world, and it was my turn to  
 4 receive a visit from Lord Browne at Texas City.  
 5 Q. Did you have an understanding that he  
 6 kept a closer eye on what was going on at Texas  
 7 City than he does to the other refineries?  
 8 A. I have no evidence to say "yes" or "no"  
 9 to that.  
 10 Q. Is there anything he asks you to provide  
 11 to him directly?  
 12 A. No.  
 13 Q. Is anyone else in these calls between you  
 14 and Lord Browne?  
 15 A. I'm sorry?  
 16 Q. Does anyone else participate in these  
 17 calls? Is it a conference call with several  
 18 individuals or --  
 19 A. That was a face-to-face meeting I had  
 20 with Lord Browne about six or seven months ago.  
 21 Q. Okay. Was this over in London?  
 22 A. No, it was here in the USA.  
 23 Q. Where at?  
 24 A. In Texas City.  
 25 Q. Lord Browne came back to Texas City six

Page 232

1 months ago?  
 2 A. Yeah. I mean, six months may not be an  
 3 accurate invest -- estimate; but he visited once.  
 4 Q. What did he do on this visit to  
 5 Texas City?  
 6 A. He did a town hall.  
 7 Q. What does that mean?  
 8 A. Well, we gathered like, you know, 300 --  
 9 a cross section of the -- of the site. This is a  
 10 traditional thing that goes on. And he addresses  
 11 them on issues of importance to the BP Group.  
 12 Q. Was there anything that was circulated by  
 13 Lord Browne at the last meeting of this group?  
 14 A. No.  
 15 Q. Any kind of written agenda?  
 16 A. No.  
 17 Q. Who else was at this meeting other than  
 18 the BULs and some Chicago representatives?  
 19 A. Which meeting is that?  
 20 MR. BROWN: Objection, form.  
 21 Q. (BY MR. COON) I'm sorry, the one last  
 22 Friday?  
 23 A. There were the five refinery -- refinery  
 24 BULs.  
 25 Q. Any of the legal team?

Page 233

1 A. No.  
 2 Q. What would -- I take it you've had time  
 3 to meet with BP's attorneys before your deposition  
 4 today?  
 5 A. I met yesterday with them.  
 6 Q. Was that the only time?  
 7 A. Yes.  
 8 Q. Mr. Maclean, you told us awhile ago that  
 9 with respect to the employees out at BP Texas City,  
 10 that their safety comes first?  
 11 A. Yes.  
 12 Q. People come first?  
 13 A. Yes.  
 14 Q. Profits come after people?  
 15 A. Yes.  
 16 Q. Do you understand that a lot of comments  
 17 in Telos would indicate to the contrary?  
 18 A. I can only speak about my time there.  
 19 Q. So you think things have changed a lot in  
 20 the last year?  
 21 A. Well, since I have been there, we have  
 22 not made a profit. Only recently have we started  
 23 covering our costs of running the plant as a result  
 24 of actions taken.  
 25 Q. Okay. Well, the reason you weren't

Page 234

1 making a profit was because the plant was shut  
 2 down, wasn't it?  
 3 A. Yes.  
 4 Q. And a lot of the reason the plant was  
 5 shut down was because it was in need of a lot of  
 6 repairs and it was in need of removing blowdown  
 7 drums and there was a lot of redesign of units,  
 8 things of that nature, correct?  
 9 MR. BROWN: Objection, form.  
 10 A. Those were some of the reasons; but,  
 11 actually, the principal reason was that I felt that  
 12 there was some systemic issues that had to be dealt  
 13 with in the high pressure hydrogen units. And I  
 14 felt it prudent to shut them down and then do a  
 15 full-scale investigation.  
 16 Q. (BY MR. COON) Okay. You mentioned  
 17 earlier, too -- I think we got confused about this  
 18 billion-dollar capital infusion at the plant.  
 19 And I think we have established  
 20 that that capital infusion was pledged before the  
 21 plant was shut down in anticipation of  
 22 Hurricane Rita, correct?  
 23 A. I believe so, yeah.  
 24 Q. And with respect to the damages from  
 25 Hurricane Rita, my recollection is that it missed

Page 235

1 Texas City by a pretty good margin, didn't it?  
 2 A. We had about 55-knot winds, some rain,  
 3 sufficient to damage the -- some principal systems,  
 4 like the insulation on the steam system. And as a  
 5 result of the threat, our power station shut down  
 6 all electricity and steam, which caused us to shut  
 7 the refinery down cold.  
 8 Q. And how long would the plant normally  
 9 need to be shut down after it had lost power?  
 10 A. Well, it's difficult to say because that  
 11 had not happened before at Texas City; and  
 12 therefore, what has happened is that we focused on  
 13 bringing the refinery back in a prudent, careful,  
 14 correct manner with absolute safety.  
 15 Q. I heard that part of the reason that the  
 16 plant was slow to get back up was because it was  
 17 difficult -- or it was a question as to whether or  
 18 not a number of these units should be started back  
 19 up because -- since they had lost power and there  
 20 was a compromise of the integrity of some of the  
 21 infrastructure, there was concern of pressure on  
 22 the piping systems, et cetera. Is that true?  
 23 A. The -- the integrity of the -- of the  
 24 infrastructure was sorely tested by going cold.  
 25 You know, if you take heat off metal, structural

Page 236

1 things happen to it; and therefore, it was my  
 2 important duty to ensure that we brought the  
 3 refinery back up with absolute focus on safety  
 4 first.  
 5 In fact, no -- not one unit came  
 6 back without my checking with the workforce on that  
 7 unit, plus their supervision, that it was safe to  
 8 do so and that they were confident that all the  
 9 issues that needed to be corrected were corrected  
 10 as a result of shutting the unit down cold.  
 11 Q. And the pre-existing thinning pipe in  
 12 some areas and things of that nature were one of  
 13 the reasons that there were some delays in starting  
 14 the units back up, right?  
 15 A. I'm not sure if we can use the word  
 16 "delay." There were -- there was thin pipe, and we  
 17 took an opportunity to make sure that every process  
 18 safety issue was dealt with before those units came  
 19 up.  
 20 Q. Now, you told us one of the other things  
 21 you did with respect to preventive measures was to  
 22 remove the trailers off site.  
 23 Do you recall that?  
 24 A. Yes.  
 25 Q. And I believe you have a trailer yard now

Page 237

1 across the street from the plant and all of the  
 2 personnel work out of those and you transport them  
 3 back and forth into the plant as they're needed  
 4 there?  
 5 A. Yes. Not all of the people. Some of the  
 6 people are there and some of the people are in the  
 7 new office block up in Texas City and some other  
 8 folks are in other different locations also.  
 9 Q. Did you get an understanding from reading  
 10 the Mogford report as to the practices that were  
 11 normally utilized at the time of this explosion  
 12 with respect to the certification of trailers for  
 13 occupancy at the plant?  
 14 A. Yes. Mogford refers to that.  
 15 Q. Did you get an understanding from reading  
 16 that that the practices with respect to going  
 17 through the proper MOCs was pretty sloppy out there  
 18 prior to this --  
 19 A. That was the --  
 20 Q. -- March explosion?  
 21 A. That was the conclusion Mogford made.  
 22 Q. And one of the other things that's been  
 23 done since then is not only to locate the trailers  
 24 off site where they are safer, but you have also  
 25 taken a lot of your non-necessary personnel, the

<p style="text-align: right;">Page 238</p> <p>1 administrative personnel, and you have relocated 2 them to permanent quarters off site, correct? 3 A. That's correct. 4 Q. And this was the old Kmart or Wal-Mart 5 building that was -- 6 A. It is now called the TCO, Texas City 7 office primarily. 8 Q. And one of the problems that BP was 9 facing after this explosion is a lot of your 10 administrative personnel were demonstrating a lot 11 of anxiety about going back to the plant after the 12 explosion, weren't they, sir? 13 MR. BROWN: Objection, form. 14 A. I can't comment. I mean, I haven't heard 15 that -- 16 Q. (BY MR. COON) You have not heard that? 17 A. -- directly from anybody speaking to me 18 personally. 19 Q. You had not heard BP admit that one of 20 the reasons they were relocating those personnel 21 off site was to provide them with safer quarters? 22 A. I relocated them to give them safer 23 quarters. 24 Q. And do you believe that by removing the 25 majority of your salaried employees off site out of</p>	<p style="text-align: right;">Page 240</p> <p>1 A. This is an industry knowledge. So what 2 we have done is take some -- some direction from 3 the events and made sure that that -- that 4 nonessential personnel will not be anywhere near 5 the units when they're starting up or shutting 6 down. 7 The other thing we did was 8 establish a central control facility. We put 9 the -- what do you call it -- the interact -- video 10 conferencing in there and within -- within each 11 unit so that each unit now doesn't see itself as an 12 isolated unit. It can speak to the units upstream 13 of it, downstream of it, and back into the control 14 center interactively. 15 And so we have now got a series of 16 systems rather than a -- rather than group of 17 units. And we have increased the -- the awareness 18 and the capability of people to communicate up and 19 downstream before they're sitting in -- in the 20 site, which is a very effective system. 21 Q. Well, knowing that the startup time is so 22 hazardous and knowing that you had an open vent 23 system with a blowdown unit and knowing that you 24 had a lot of prior history of problems at the 25 ISOM unit, why did management not take the effort</p>
<p style="text-align: right;">Page 239</p> <p>1 harm's way, that that sends the right kind of 2 message to your hourly employees that are still 3 left out at the facility? 4 A. The hourly employees inside the facility 5 are essential operational personnel. That's an 6 industry standard. 7 What we have done is -- to ensure 8 their safety is that when a unit is starting up or 9 closing down, we've established two tiers of 10 exclusion zone called EZ1 and EZ2. And depending 11 on the operation going on in the unit, we clear 12 those areas of nonessential people. And there is a 13 very strict signaling system that points out when a 14 unit is an EZ1 or EZ2. 15 Q. Why wasn't that practice utilized prior 16 to this explosion? 17 A. The circumstances didn't dictate it. I 18 mean, this is the -- this is a new -- new 19 understanding after the -- after the ISOM incident. 20 Q. Well, you had an understanding that 21 startups and shutdowns were the most hazardous 22 times in the operation of units, didn't you? 23 A. Yes, we did. 24 Q. And you knew that before this explosion, 25 didn't you?</p>	<p style="text-align: right;">Page 241</p> <p>1 to warn the contractors working immediately 2 adjacent to the unit that it was starting up that 3 day? 4 A. I can't comment on that. I wasn't there. 5 Q. What efforts have you made, if any, to 6 ascertain why management did not notify contractors 7 that the unit was in startup mode that day? 8 A. This is not my job. 9 Q. Whose job is it? 10 A. That was the -- a matter for the 11 investigate -- the investigative teams. 12 Q. Okay. And what did the investigative 13 teams say with respect to the failure of management 14 to warn the contractors that a unit with a long 15 history of known upsets and overpressurizations was 16 going into startup that day? 17 A. If I recall correctly, Mogford pointed to 18 that as a weakness. 19 Q. You would agree that if all those folks 20 were warned that the unit was being started up that 21 day and to get out of the area, that nobody would 22 have been killed? 23 A. I believe that Mogford pointed out that 24 inadequate alarms were -- were an issue. 25 Q. Well, it's not just the alarms. They</p>

<p style="text-align: right;">Page 242</p> <p>1 could have given them the courtesy of just going 2 and knocking on their door and saying, "Hey, folks, 3 time to move. We're starting the unit up?" 4 A. What we have done subsequently is 5 establish EZ exclusion zones with interactive 6 communication between all units. 7 Q. Why was it not determined as part of the 8 investigation who was responsible at BP for making 9 sure the contractors were notified of instances in 10 which there was an elevated level of risk at the 11 plant such as startups? 12 A. I can't answer -- 13 MR. BROWN: Objection -- 14 A. -- that. 15 MR. BROWN: -- form. 16 Q. (BY MR. COON) Well, wouldn't you want to 17 know who was responsible for that prior to this 18 explosion? 19 A. My job is to ensure that lessons learned 20 from the ISOM incident are made into practical 21 actions for the future, and that's what I have 22 done. 23 Q. What kind of relationship do you believe 24 that BP Texas City has with the hourly workforce 25 out there now?</p>	<p style="text-align: right;">Page 244</p> <p>1 A. Better than prior to the ISOM incident. 2 Q. Are you aware that the hourly workforce 3 have complained vocally to management for a number 4 of years prior to this explosion of numerous 5 concerns regarding unsafe work conditions? 6 MR. BROWN: Objection, form. 7 A. The reports, the investigations do point 8 to that. 9 Q. (BY MR. COON) And although you say that 10 you believe the relationship is better with the 11 hourly workforce today than it was at the time of 12 the explosion, how would you describe it now? 13 Would you describe it as good? 14 A. I would describe it as a rather more 15 typical industrial relationship between a workforce 16 which is organized and collectively represented 17 and -- and a management team. 18 I think people would say that what 19 they say does indeed matter, that there is copious 20 evidence that we can take action on genuine 21 concerns of people out in the plant; and we will 22 continue to provide that evidence to the point 23 where people will be able to say honestly, "Yeah, 24 things -- things are -- this is a good 25 relationship."</p>
<p style="text-align: right;">Page 243</p> <p>1 A. What I've -- what I've learned since I 2 have been here is through a very big focus on 3 communications, where I can hear genuinely what 4 people are saying through face-to-face meetings in 5 control rooms, through a very active television 6 station where people are given the opportunity to 7 speak about their concerns on television so they 8 can see what their concerns are themselves, so that 9 other folks can see what they're talking about. 10 We've got a very active website, 11 which is -- which changes issues every couple of 12 hours. We've got a two-weekly newspaper with a 13 monthly magazine, which actually reaches the 14 community as well as the -- the people inside the 15 plant. 16 So I would say, given this huge 17 focus on very, very professional communications, 18 that I have a feeling that -- that the workforce 19 believes its relationship with leadership is 20 different today. 21 Q. Than -- 22 A. Better. 23 Q. -- when? 24 A. Better. 25 Q. Better than when?</p>	<p style="text-align: right;">Page 245</p> <p>1 Q. Do you know how many flags fly in front 2 of the BP Texas City facility? 3 A. There are two. The one that is missing 4 is the union flag. 5 Q. Yes, sir. 6 Do you know why? 7 A. The union chose to take it down some 8 years ago. 9 Q. Do you know why? 10 A. I can't recall. 11 Q. Would it surprise you to learn that they 12 were fed up with BP's unsafe work practices and 13 they took their flag down because they were no 14 longer proud to be associated with that plant? 15 MR. BROWN: Objection, form. 16 Q. (BY MR. COON) Isn't that what you 17 understand, sir? 18 MR. BROWN: Objection, form. 19 A. I can't comment on -- I observed the 20 union flag is not there and it should be. 21 Q. (BY MR. COON) How did you learn that 22 that was a union flag that flew on that other pole 23 at one time? 24 A. Because I come from other -- I had 25 experience of another US refinery where the union</p>

<p style="text-align: right;">Page 246</p> <p>1 flag flew, alongside the state flag and the -- and 2 the United States flag. 3 Q. So in working in other plants where the 4 union flag was flown along with the other flags, 5 you observed that at this plant the union flag was 6 missing and you inquired as to why that was? 7 A. I determined that the relationship 8 between union leadership and site leadership was 9 not as powerful and positive as previous 10 relationships I had experienced in, for instance, 11 Whiting. 12 Q. And, in fact, it would be fair to 13 describe that relationship as rather poor when you 14 arrived in the summer of 2005, wouldn't it, sir? 15 MR. BROWN: Objection, form. 16 A. I wouldn't really describe it as 17 anything. What I've -- what I've tried to do is 18 provide absolute access for union leadership to my 19 office and some of my immediate reports, and we 20 have an active conversation going on with the 21 union. 22 I mean, one of our objectives is 23 to have the union as part of a new safety program 24 sponsored by OSHA; and we believe that that is a 25 real possibility.</p>	<p style="text-align: right;">Page 248</p> <p>1 Q. Now, with respect to OSHA and federal 2 intermediaries, have you had to ask for federal 3 assistance to engage the hourly workforce out there 4 because of the present deteriorated relationships 5 that you have with them? 6 A. No. 7 Q. You have not? 8 A. No. 9 Q. Mr. Maclean, do you know who is 10 responsible for conducting routine investigations 11 out at the facility now under your watch, fatality 12 investigations, things of that nature? 13 A. Fatality investigations? 14 Q. Yes, sir. 15 A. Yes. 16 Q. Who does that now? 17 A. Well, it goes through the health, safety 18 and security manager. 19 Q. And who's in charge of that at Texas City 20 now, sir? 21 A. Pat King. 22 Q. Do you know anything about what type of 23 guidelines he utilizes in formulating opinions 24 regarding investigations into fatalities at 25 Texas City?</p>
<p style="text-align: right;">Page 247</p> <p>1 Q. (BY MR. COON) Speaking of OSHA, OSHA has 2 put BP on an Enhanced Enforcement Program, haven't 3 they, sir? 4 A. Yes. 5 Q. What is that? 6 A. It's an inspection program that pays 7 particular attention to BP assets on the basis of 8 their track -- safety track record. 9 Q. And isn't it true that OSHA only puts you 10 on the Enhanced Enforcement Program if you have a 11 very poor safety record? 12 A. Yes. 13 Q. And, in fact, presently BP is the only 14 major petrochemical plant in the country on that 15 list of unsafe work places according to OSHA? 16 A. I would have to check my facts. 17 Q. Do you know of any other petrochemical 18 plant that's on that rather dubious list of 19 Enhanced Enforcement Program participants? 20 MR. BROWN: Objection, form. 21 A. I haven't checked any lists. 22 Q. (BY MR. COON) Is it fair to say you are 23 not aware of any other petrochemical plants on that 24 list, are you, sir? 25 A. No.</p>	<p style="text-align: right;">Page 249</p> <p>1 A. There are group guidelines of fatality 2 investigation guidelines. 3 Q. Are you familiar with the prohibition of 4 the utilization of certain words in the formulation 5 of investigative reports at BP? 6 A. No. 7 Q. I want to show you the next document if 8 you'll look there (indicating). 9 Have you seen this document 10 before, sir? 11 A. Yes, I have. 12 Q. Do you understand that this is a document 13 that was disseminated within investigative teams at 14 BP Texas City in which the investigators were 15 admonished specifically not to use any of these 16 words and words similar to them in any of their 17 reports? 18 A. Yes. 19 Q. Do you agree that that's a good practice? 20 A. I think it is probably a practice that 21 needs to clear the expressions of what happened. 22 Q. Do you take issue with an admonish to 23 your investigators to specifically avoid any of 24 these words that would infer liability or 25 responsibility on the part of your company?</p>

Page 250

1 MR. BROWN: Objection, form.  
 2 A. These are very prejudicial words. They  
 3 don't describe events. They are opinions. We have  
 4 a --  
 5 Q. (BY MR. COON) Do you --  
 6 A. -- very robust fatality investigation  
 7 procedure, which is root cause analysis, which  
 8 calls for us to use very plain language.  
 9 Q. Well, you know what a serious problem is,  
 10 don't you, sir?  
 11 A. No.  
 12 Q. You don't know what a "serious problem"  
 13 is?  
 14 Do you think there was a serious  
 15 problem with the operation of the ISOM unit on  
 16 March 23rd, 2005?  
 17 A. I -- no.  
 18 Q. Would you call the conditions that arose  
 19 on March 23, 2005 as "dangerous"?  
 20 A. I would describe the conditions that  
 21 existed on March 23, 2005 along the lines that  
 22 Mogford described them.  
 23 Q. Would you utilize the words "dangerous"  
 24 in the description of the conditions of the  
 25 operations of the ISOM unit on March 23, 2005?

Page 251

1 A. I would think that people would observe  
 2 that after reading Mogford's report.  
 3 Q. Would you agree that there were issues of  
 4 neglect associated with what happened on March 23,  
 5 2005 with respect to the infrastructure or the  
 6 operations of that unit?  
 7 A. Well, it's not a word I would jump to a  
 8 conclusion on. I mean, again, Mogford probably  
 9 points to areas where neglect was a -- was a  
 10 factor.  
 11 MR. COON: Let's take a couple of  
 12 minutes.  
 13 THE VIDEOGRAPHER: Going off the  
 14 record at 2:10.  
 15 (Recess taken.)  
 16 THE VIDEOGRAPHER: This is Tape 5.  
 17 Going back on record at 2:20.  
 18 Q. (BY MR. COON) Mr. Maclean, you had told  
 19 us earlier about after this explosion that BP had  
 20 this renewed appreciation of risk associated with  
 21 trailers and vent stacks and such. And in response  
 22 to that, I would like to call out one of these  
 23 paragraphs that was included in the Telos Report  
 24 from one of your employees and ask, sir, if you  
 25 could read that paragraph for us, please, sir?

Page 252

1 A. "It is all about acceptance. There is no  
 2 outrage when it smells, when people die, when  
 3 things fail and when we ask someone to do  
 4 something, the accident investigation reveals that  
 5 they failed to assess the risk when, in fact, we  
 6 failed to make them aware of risks. Those things  
 7 that are frightening or overwhelming are done  
 8 because we have such a proud, capable workforce  
 9 that wants to be a winning team. That ethic --  
 10 that ethic contributes to their willingness to do  
 11 things for us. Finally, there is an incredibly  
 12 exclusive environment for contractors."  
 13 Q. In reflecting on that statement by one of  
 14 your employees, would you tend to agree with them  
 15 that as it relates to assessment of risk, that  
 16 management really just failed frequently to make  
 17 people aware of the risks that were out there?  
 18 A. Let me make one observation that -- if  
 19 you don't mind, that I think is relevant to this.  
 20 The workforce at BP Texas City  
 21 is -- is uniquely brave, if I could say. Over the  
 22 years they have -- they had become more and more  
 23 insensitive the thing -- to things that were risky,  
 24 and I have -- I mean, that was the culture. If you  
 25 want me to make one observation on culture, people

Page 253

1 were insensitive to risk, for whatever reason.  
 2 Q. And, in fact, Telos comments on that,  
 3 doesn't it? Doesn't it say something to the effect  
 4 that it was like people engaged in combat together?  
 5 That there were risks all around them and --  
 6 A. These were heroes. I mean, these --  
 7 these were folks who would go the extra mile  
 8 without question; and, in fact, Mogford points to  
 9 that, as well.  
 10 Q. But they're not supposed to be in a  
 11 position where they have to do that, are they, sir?  
 12 A. They shouldn't. I mean, what I have done  
 13 since I've got there -- and here's exactly what I  
 14 say, again, on a daily basis: Be intolerant of  
 15 things that are second best or make do.  
 16 Now, those refinery guys at  
 17 BP Texas City make do to an extraordinary extent.  
 18 They kept the machinery going by, I would say,  
 19 taking shortcuts.  
 20 And what I've done is say:  
 21 Shortcuts are no longer acceptable. Be intolerant  
 22 of things that are second best or make do; and  
 23 believe me, what you say matters.  
 24 Now, that describes the culture  
 25 that we are moving to.

<p style="text-align: right;">Page 254</p> <p>1 Q. And it's the responsibility of management 2 from the top down to make sure that that takes 3 place? 4 A. It's my responsibility to ensure that 5 people can take me at my word and that what I say 6 matters, as well as what they say matters. 7 Q. And it was the responsibility of 8 management, prior to the time you arrived, to have 9 avoided that culture in the first place, wasn't it, 10 sir? 11 A. Well, I mean, I can't comment on that. I 12 can comment on what I'm committed to doing around 13 the place. 14 Q. You don't have an opinion as to whether 15 or not it was the responsibility of management to 16 have prevented that culture to have existed in the 17 first place? 18 A. You know, in hindsight, it's easy to 19 point -- you know, point to what was missing or how 20 that culture had developed over the years. That's 21 one observation I'll make, that it was a culture 22 that had an enormous tolerance of risk and we had 23 to change that. 24 Q. There were a number of cultural 25 deficiencies at that plant, in addition to safety</p>	<p style="text-align: right;">Page 256</p> <p>1 A. Yes. 2 MR. COON: We will pass the 3 witness to Mr. Bond. 4 * * * 5 EXAMINATION 6 Q. (BY MR. BOND) Are you ready to go, sir? 7 A. Yes. 8 Q. My name is Trent Bond. I represent 9 Mr. Rodriguez's mother and the estate of Ryan 10 Rodriguez. 11 A. Yes. 12 Q. He was one of the individuals killed in 13 the explosion. 14 I'm just going to kind of go -- 15 first of all, I talk almost as fast as Brent; but I 16 don't articulate as well. So if you don't 17 understand a question I might ask you, just make me 18 repeat it. I'd be more than happy to. Okay? 19 And you've asked a few times, but 20 with me it's kind of standard to ask me to repeat 21 my questions. 22 The first thing I've got to know 23 is: Where are you from originally? 24 I keep trying to place this 25 accent, and I can't figure it out.</p>
<p style="text-align: right;">Page 255</p> <p>1 consideration. There were also diversification 2 issues and other problems with the management team 3 that was in place -- 4 A. I'm sorry, what do you mean by -- 5 MR. BROWN: Objection, form. 6 Go ahead. 7 A. -- "diversification"? Explain. 8 Q. (BY MR. COON) Well, for instance, you 9 knew that Mr. Carter was a racist and a sexist, 10 didn't you, sir? 11 MR. BROWN: Objection, form. 12 A. No. 13 Q. (BY MR. COON) You were not made aware of 14 that? 15 A. He was not working -- I mean, he was not 16 working there when I got there and I didn't know 17 Mr. Carter. 18 Q. You did not know that was the reason 19 human resources had him transferred out of that 20 facility? 21 A. No. 22 Q. Mr. Maclean, have you understood the 23 questions we've asked you today and answered them 24 to the best of your ability unless you indicated to 25 us otherwise?</p>	<p style="text-align: right;">Page 257</p> <p>1 A. I went to school in Northern Ireland. 2 Q. Okay. That was my guess. So all right. 3 When you -- you talked about the 4 transfer from Don Parus to you. Do you recall 5 that, sir? 6 A. (Nods head.) 7 Q. And you recall there wasn't much of a 8 changeover or a transition like you expect to do 9 with your -- the person who is replacing you, 10 correct, sir? 11 A. Uh-huh. 12 Q. All right. Is that a "yes"? 13 A. Yes. 14 Q. Okay. I don't do that to be rude. She's 15 got to get "yes" -- 16 A. Sure. 17 Q. -- or "no." 18 A. I understand. 19 Q. You mentioned something when you were 20 talking to Brent that -- you said: I saw enough of 21 what was on the ground. 22 And what I want to know is what 23 you meant by that? 24 A. Well, let me -- let me -- good question. 25 You've got to recall that</p>

Page 258

1 Mr. Parus had a program in place --  
 2 Q. Right.  
 3 A. -- many of which elements are actually  
 4 part of the "Focus on the Future" program, which  
 5 I've got in place. And I would say on the whole,  
 6 Mr. Parus' program was the right program to -- to  
 7 continue to develop Texas City as a major asset in  
 8 BP -- in the BP Group.  
 9 Now, those -- I looked at the  
 10 program when I got there. It was appropriate, one  
 11 or two things extra I would have done; but by and  
 12 large, it was a very sensible program, which I was  
 13 able to take elements from and put in my new "Focus  
 14 on the Future," which is a different shaped  
 15 program, but many, many units -- many units of that  
 16 program are the same.  
 17 So that was one issue that allowed  
 18 me to pick up pretty quickly what was going on.  
 19 Now, the huge tragedy of March 23 was that it  
 20 happened and there were signs that Texas City was  
 21 beginning to turn itself around, but not --  
 22 obviously, events overtook them.  
 23 Now, the second reason why I was  
 24 able to pick up pretty quickly is, of course,  
 25 Mr. Parus comes from the same company as I do and

Page 259

1 understands the culture of BP. So there is no sort  
 2 of cultural misunderstandings or issues out there,  
 3 which is why, once again, I was able to pick up  
 4 pretty quickly.  
 5 I've got to acknowledge Mr. Parus'  
 6 program as being an appropriate program, and I have  
 7 got to just acknowledge that he was part of the  
 8 same sort of corporate culture that I came from.  
 9 Q. But normally when you transfer power --  
 10 and the BUL is basically a plant manager for the  
 11 jury's benefit, correct, sir?  
 12 A. No, he's a little more than a plant  
 13 manager.  
 14 Q. But -- okay. A little bit more than a  
 15 plant manager, but the head guy at the plant --  
 16 A. Yeah.  
 17 Q. -- safe to say?  
 18 When y'all were changing power  
 19 like that, that was -- I mean, this is a big  
 20 facility with, you know, a lot of employees, a lot  
 21 of money at stake, y'all always do a transition --  
 22 assume the circumstances are normal. I don't care  
 23 if the guy comes from BP or Shell, the BP -- if he  
 24 comes from BP, it makes it a little bit simpler;  
 25 but there's always a transition. There's not, you

Page 260

1 know, kind of like just tagging each other in and  
 2 out and I'll take over. Am I safe to say that,  
 3 sir?  
 4 MR. BROWN: Objection, form.  
 5 A. I think I've tried to explain to you  
 6 why --  
 7 Q. (BY MR. BOND) You did -- you explained  
 8 that basically, you know, he did a pretty good job  
 9 and I just took the ball and ran with it; but  
 10 that's all well and good.  
 11 But still it would help a transfer  
 12 if you talked to the guy who actually put  
 13 everything in place, why he did it, what things are  
 14 working for him at this juncture and why things  
 15 weren't. And so you see where I'm having this  
 16 problem?  
 17 You have the man basically next  
 18 door, you know, a phone call away, "Hey, come on  
 19 here."  
 20 I want to know why you didn't do  
 21 that?  
 22 A. Well, you must recall --  
 23 MR. BROWN: Objection, form.  
 24 Go ahead.  
 25 THE WITNESS: Okay.

Page 261

1 A. You know, his leadership team was still  
 2 in place and, you know, those were the  
 3 conversations I was having -- was having.  
 4 Q. (BY MR. BOND) Yeah.  
 5 But he's basically about 5 miles  
 6 from the plant, his house, that he could come up  
 7 there and see you. Why didn't you call him?  
 8 A. I didn't need to speak to him.  
 9 Q. Did you not need to or did you not want  
 10 to?  
 11 A. I didn't need to.  
 12 Q. Did anybody instruct you not to call him?  
 13 A. No.  
 14 Q. Nobody from up above you?  
 15 A. No.  
 16 Q. Nobody from down below you?  
 17 A. No.  
 18 Q. So nobody ever said -- from BP said,  
 19 "Don't call Don Parus"?  
 20 A. Absolutely, nobody.  
 21 Q. That was your own decision independent of  
 22 anything else?  
 23 A. Yes.  
 24 Q. And that -- and basically you are telling  
 25 this jury the reason you did that, the reason you

<p style="text-align: right;">Page 262</p> <p>1 didn't call the man who had been in charge for the 2 two years preceding -- three years preceding you is 3 because basically -- I could figure it out myself. 4 MR. BROWN: Objection, form. 5 Q. (BY MR. BOND) I mean, he had 6 everything -- he had the same culture, he had 7 everything pretty much going except for a couple of 8 things and I could take the ball and run with it? 9 MR. BROWN: Objection, form. 10 Q. (BY MR. BOND) In a nutshell? 11 MR. BROWN: Objection, form. 12 A. No, I don't think that's what I'm saying. 13 What I'm saying is that -- and you 14 agree that the ISOM incident was a huge trauma for 15 people and that when that happens, actions are 16 taken to clear the decks and get us, you know, so 17 that we can start building off that trauma. And so 18 the decks were cleared. 19 And I think it was my duty to take 20 the leadership team and the people of BP Texas City 21 and have them believe in themselves again that the 22 future was in their hands; and that's what I did. 23 Q. (BY MR. BOND) I see what you're 24 saying -- I think I see what you're saying is 25 basically, "Listen, I had enough" -- you put enough</p>	<p style="text-align: right;">Page 264</p> <p>1 A. The sort of training? 2 Q. Uh-huh, yes, sir. 3 A. Everything. 4 Q. Okay. 5 A. From basic distillation training through 6 front line supervision through middle management 7 superintendent leadership through senior management 8 leadership. So every level, paying attention to 9 the competencies and capabilities of people who 10 were being asked and who are asked to take 11 accountability for delivery of certain things. 12 Q. Okay. So you would put a bigger emphasis 13 than your predecessor did on training? 14 A. Yeah. But I mean, that's -- it is a 15 nuance. It's not a big deal. It's just that you 16 need to get that stuff done. 17 Q. Right. 18 And it wasn't getting done at the 19 time you took over? 20 A. I felt that we should do more. 21 Q. Okay. They had that -- I think it's 22 really kind of computer -- almost computer based 23 training? 24 A. VTA? 25 Q. Yes.</p>
<p style="text-align: right;">Page 263</p> <p>1 groundwork into place. The tragedy in itself left 2 a pretty big scar at BP. I thought it better not 3 to bring him back in. The scar was there. Let's 4 try to start the healing process now? 5 A. That's -- that's one possibility, yeah. 6 Q. Okay. So basically you just felt it 7 better -- he was kind of the face of the tragedy 8 that didn't need to be there anymore. 9 Is that kind of -- 10 A. I felt that it was good to have a clean 11 start. 12 Q. Okay. All right. That makes sense to 13 me. 14 You said there was a couple of 15 things that -- he had what you felt was a pretty 16 good program except for a few things. 17 What were the few things he did 18 not have in place? 19 A. Well, you know, what I come with is a 20 focus on people and their education and their 21 support and that's something that perhaps in 22 retrospect, I might have spent more time training 23 people. 24 Q. What do you -- could you kind of expound 25 on that for me a little bit, sir?</p>	<p style="text-align: right;">Page 265</p> <p>1 What's your opinion on that? 2 A. I think VTA has a good role in -- in 3 training. 4 Q. Uh-huh. 5 A. I think it has to be backed up with 6 face-to-face training, but I think it's a balance 7 issue. 8 Q. At BP -- 9 A. When you've got a workforce of, you know, 10 6000 people, then you've got to look for modern 11 ways to get information to people. 12 Q. And I see what you're saying. Basically, 13 I think it's probably a good tool, but it needs to 14 be backed up with face-to-face, maybe some 15 simulations, things like that. You just can't use 16 it exclusively, correct, sir? 17 A. Yeah, I would think that exclusive use 18 could be enhanced by face-to-face and ultimately 19 simulation training. 20 Q. And at BP, unfortunately, VTA was being 21 almost used exclusively, correct, sir? 22 A. I'm not sure. I mean, I'm... 23 Q. Did you look at that? 24 A. Not really. I knew what training program 25 I wanted to put in place.</p>

<p style="text-align: right;">Page 266</p> <p>1 Q. And you -- and you changed the training 2 program at BP? 3 A. Yes. 4 Q. So you're not sure what they had before, 5 but you knew -- 6 A. A lot of it was VTA. 7 Q. Okay. But -- I'm sorry. 8 But you changed your own program 9 and put your own program in place, correct, sir? 10 A. Yes. 11 Q. Okay. Training was one issue that you 12 thought could be improved. 13 What else did you think might 14 be -- 15 A. That's pretty much it. I mean, the 16 program they had in place was a pretty 17 comprehensive program. 18 Q. Now, you -- we mentioned earlier -- and 19 y'all talked about it quite a bit -- about Rita and 20 the fact that the plant closed down. Well, I 21 happen to live in Beaumont and we got a little bit 22 stronger than 55-mile -- 23 A. Sure did. 24 Q. -- an-hour winds. 25 A. Yeah.</p>	<p style="text-align: right;">Page 268</p> <p>1 A. But they didn't lose steam; and when you 2 don't lose steam, you can bring units up. When you 3 lose steam, things go cold and you get structural 4 changes in infrastructure and unit vessels and the 5 whole thing. 6 Q. Okay. Now, is one of the reasons -- 7 there has been some testimony from Mr. Parus -- I 8 will represent to you he has indicated there was 9 quite a bit of underinvestment in the kit. 10 The fact that the kit was shut 11 down for such a long time after Rita, is that a 12 symptom of the underinvestment you think? 13 MR. BROWN: Objection, form. 14 A. No, I don't think so. 15 Q. (BY MR. BOND) Do you think it was 16 strictly because they lost steam? 17 A. I think so, yeah, plus there was some 18 damage to insulation. 19 Q. Well, and again, what caused the steam 20 loss at Texas City? 21 A. The combined heat and power station 22 shutdown, they turned off, turned it off. 23 Q. How long does it take this -- do you have 24 a backup system? 25 A. No.</p>
<p style="text-align: right;">Page 267</p> <p>1 Q. And the plants over in Beaumont -- we've 2 got quite a few of them. I grew up in Pasadena and 3 I'm in Beaumont now. So I've kind of lived around 4 plants my whole life -- and they went up pretty 5 quick. I mean, ExxonMobil I think was up, you 6 know, pretty shortly after the hurricane, if not 7 right then. 8 And my question to you is: Why 9 did BP Texas City stay down so long when the -- 10 basically the hurricane hit almost 150 miles west 11 of it? 12 A. Well, let me -- 13 MR. BROWN: Objection, form. 14 A. Okay. You must be aware that we lost 15 steam, heat. Those refineries around Beaumont did 16 not, and they're very much smaller and less complex 17 than BP Texas City. 18 Q. (BY MR. BOND) ExxonMobil? 19 A. ExxonMobil at Beaumont, what size is 20 that? 21 Q. I have no idea. It looks big to me. 22 A. It's not -- 23 Q. It's comparable to -- 24 A. -- as complex as Texas City. 25 Q. Okay.</p>	<p style="text-align: right;">Page 269</p> <p>1 Q. It seems to me -- and I'm not -- I'm not 2 any -- anywhere near your expertise, but it seems 3 to me that steam is kind of important to -- 4 A. Yes, it is. 5 Q. Okay. So it would be something that you 6 don't want to lose. 7 A. Yeah. 8 Q. Is that a fair statement? 9 A. Yeah. 10 Q. All right. So you're going to have 11 systems to ensure that doesn't happen, correct, 12 sir? 13 A. Yeah. 14 Q. All right. Tell me the systems in place 15 that ensure that you don't lose steam. 16 A. Well, I don't think that -- 17 MR. BROWN: Objection, form. 18 Q. (BY MR. BOND) As best you can. 19 A. Well -- 20 MR. BROWN: Objection, form. 21 A. You know, you've got to get that I'm not 22 a technologist; but I'll tell you what the contract 23 said -- 24 Q. (BY MR. BOND) Okay. 25 A. -- which was that when confronted with a</p>

<p style="text-align: right;">Page 270</p> <p>1 Cat 3 hurricane, you can shut down.  2 Q. All right. Do you have any --  3 A. Which is what they did.  4 Q. Okay. So basically --  5 A. Entirely within their rights.  6 Q. So they shut down and when you shut down  7 for a Cat 3 hurricane -- it happens all the time  8 down here. I mean, once every couple of years,  9 you're going to get a Cat 2 or 3 come this way or  10 close by.  11 MR. BROWN: Objection, form.  12 A. I don't think that's true.  13 Q. (BY MR. BOND) Okay. You don't think so?  14 Well, you're not from down here,  15 are you?  16 A. I'm a bit further north.  17 Q. Yeah, just a tad.  18 How often would you say that y'all  19 shut the -- shut the steam down?  20 I mean, it doesn't make sense to  21 me that you can have a Cat 3 coming and you lose  22 your plant for -- well, how many months was it?  23 A. Well, we chose to do a lot of repair  24 work.  25 Q. I understand that. That's kind of what I</p>	<p style="text-align: right;">Page 272</p> <p>1 Q. Estimations, I understand. I appreciate  2 that.  3 And so you will agree with me, I  4 think, that normally what would you expect as a  5 shareholder for Texas City or for BP in a  6 plant that -- I think there's one in Texas City,  7 the biggest plant, if not the biggest plants.  8 What would you expect from a plant  9 that a Category 3 -- had to shut down because a  10 Category 3 was coming, how long would you expect it  11 normally to be -- stay shut down?  12 MR. BROWN: Objection, form.  13 A. Various times depending on the nature of  14 the shutdown.  15 Q. (BY MR. BOND) If you shut down for a  16 Category 3 hurricane just like we had coming, what  17 would you expect?  18 A. I am saying the circumstances are not the  19 Category 3 hurricane. It's do you have steam, do  20 you not have steam, do you have some steam and so  21 forth. It depends.  22 Q. Well, basically if the plant is not  23 running, it's not making money, correct?  24 A. That's right.  25 Q. Okay. And so it's important -- plus</p>
<p style="text-align: right;">Page 271</p> <p>1 am getting at.  2 Because, basically, it doesn't  3 make economical sense for a Cat 3, which is not  4 uncommon in this area -- and you have to expect  5 those contingencies. And I'm sure BP being the  6 facility it is expects it and makes backup plans  7 for it so you don't shut down a plant and have it  8 shut down for six to eight months.  9 So in this case, you shut  10 down the -- you shut off the steam. Now, when did  11 you bring the steam back on line?  12 MR. BROWN: Objection, form.  13 Object to the sidebar.  14 Q. (BY MR. BOND) Go ahead.  15 A. Which question do you want me to answer?  16 Q. When did you bring the steam back on  17 line?  18 A. It came back on, as far as I recall,  19 January, perhaps, of this year.  20 Q. Okay. And when did the plant start back  21 up?  22 A. I would say March.  23 Q. Okay.  24 A. But don't trust those dates. Those are  25 just --</p>	<p style="text-align: right;">Page 273</p> <p>1 it's -- you know BP has made a lot in this case  2 about how important it was to keep running because  3 they are a big supplier of the gas to the American  4 car and all that good stuff.  5 So how long, as a shareholder for  6 BP, can I expect the biggest plant in BP to be shut  7 down when they have to shut down because they had a  8 category hurricane coming -- a Category 3  9 hurricane, how long?  10 A. You can expect --  11 MR. BROWN: Objection, form.  12 Q. (BY MR. BOND) Go ahead.  13 A. You can be -- you can expect it to be  14 shut down until it's safe to be brought back  15 flawlessly.  16 Q. How long can I expect --  17 MR. LINEBAUGH: Objection,  18 nonresponsive.  19 Q. (BY MR. BOND) How long can I expect a  20 plant, a good -- the kit's in good working order,  21 there's no reason -- it's just a good plant that BP  22 has kept well funded and well invested, how long  23 should I expect a plant like that to be shut down  24 after a Category 3 shutdown because of a hurricane?  25 A. I'll say --</p>

Page 274

1 MR. BROWN: Objection, form.  
 2 A. I'll say to you again: As long as it's  
 3 safe to bring it back up.  
 4 Q. (BY MR. BOND) When --  
 5 MR. LINEBAUGH: Objection,  
 6 nonresponsive.  
 7 Q. (BY MR. BOND) When can I expect it to be  
 8 safe to bring back up?  
 9 A. When it's safe.  
 10 Q. When?  
 11 A. When it's safe and when the workforce  
 12 advises me that those pieces of outstanding  
 13 maintenance work have been completed to the point  
 14 where they can bring it up flawlessly.  
 15 Q. Well, why would you --  
 16 A. And safely.  
 17 Q. Why should you do maintenance work?  
 18 A. You --  
 19 MR. BROWN: Objection, form.  
 20 A. You've got to do maintenance work to  
 21 operate the plant safely.  
 22 Q. (BY MR. BOND) Okay. Basically y'all  
 23 shut it down and y'all didn't bring it back up  
 24 because y'all thought, "Well, it's shutdown. We've  
 25 got to get the steam back. This is a good time to

Page 275

1 get some maintenance work done, too"?  
 2 A. Well, of course, it gave --  
 3 Q. Okay.  
 4 A. -- provided an opportunity.  
 5 Q. So it wasn't just because of the  
 6 hurricane. It was because y'all decided -- and I'm  
 7 not saying unjustly or wrongly; but y'all decided  
 8 to do some maintenance work, too, correct?  
 9 MR. BROWN: Objection, form.  
 10 A. We took some opportunities to fix stuff,  
 11 yeah.  
 12 Q. (BY MR. BOND) Okay. And bring it back  
 13 up -- bring the plant back up to industry  
 14 standards, correct?  
 15 MR. BROWN: Objection, form.  
 16 A. To bring the plant to the point where  
 17 people could operate it -- bring it up flawlessly  
 18 and operate it safely.  
 19 Q. (BY MR. BOND) Because before then,  
 20 before that time it wasn't being operated safely,  
 21 correct?  
 22 A. That's an assertion I have no evidence to  
 23 deny or agree with.  
 24 Q. Well, if it was being operated safely  
 25 before the hurricane, there is no reason that it

Page 276

1 couldn't be operated safely after the hurricane,  
 2 correct, sir?  
 3 A. It was operating before the hurricane.  
 4 Q. I know, but was it operating safely  
 5 before the hurricane?  
 6 A. Parts of it were.  
 7 Q. And parts of it weren't?  
 8 A. I have pointed to the high pressure  
 9 hydrogen units, which I determined had a systemic  
 10 problem; and I shut them down without a hurricane.  
 11 Q. And that was prior to the hurricane?  
 12 A. Yes.  
 13 Q. Okay. What else -- what other parts of  
 14 the plant were not operating safely prior to the  
 15 hurricane?  
 16 A. There was -- that was pretty -- that was  
 17 pretty much it, the high pressure hydrogen units.  
 18 Q. What part of the -- what part of the  
 19 plant was not operate -- how big a part is that,  
 20 first of all?  
 21 A. Well, it's a big profit-making part of  
 22 the plant.  
 23 Q. How much, I mean, like size-wise?  
 24 A. I don't know.  
 25 Q. Profit-wise, how much?

Page 277

1 A. No, it's not a size of profit issue.  
 2 It's an integrated series of units. You can't just  
 3 sort of pop an answer out on that.  
 4 Q. You're right, and that's a bad mistake.  
 5 Because basically every part of  
 6 the plant depends on another part?  
 7 A. Yeah.  
 8 Q. Okay. And if one part shuts down, you've  
 9 got to shut down this part because you're losing  
 10 feedstock or what have you, correct?  
 11 A. Yeah.  
 12 Q. Okay. And I apologize, you're right and  
 13 I was wrong.  
 14 But suffice it to say it wasn't  
 15 safe to operate that part of the plant --  
 16 A. That part --  
 17 Q. -- correct?  
 18 A. -- I saw some systemic issues that had to  
 19 be corrected.  
 20 Q. What were the systemic issues that you  
 21 thought had to be corrected?  
 22 A. They were largely metallurgical.  
 23 Q. Thin -- thinning metal, thinning pipe?  
 24 A. Metal in -- containing high pressure  
 25 hydrogen rich fluids is susceptible to corrosion;

<p style="text-align: right;">Page 278</p> <p>1 and if you have the right -- incorrect metallurgy 2 in place, then you can get -- you can get burst 3 pipe. 4 Q. All right. And that's the only part of 5 the plant you thought was unsafe prior to the 6 hurricane? 7 A. Yeah. 8 Q. What part of the plant -- 9 MR. BROWN: Objection, form. 10 Q. (BY MR. BOND) -- did you feel was unsafe 11 following the hurricane to start back up? 12 MR. BROWN: Objection, form. 13 A. I think the hurricane provided me an 14 opportunity -- well, actually, what we had to do 15 because of the huge stresses and strains resulting 16 from the massive temperature differences with no 17 steam around the place -- 18 Q. (BY MR. BOND) Uh-huh. 19 A. -- we basically had to rebuild the steam 20 system. 21 Q. And normally you would expect your steam 22 system to be in such an order that just because you 23 shut it down wouldn't mean you have to rebuild it, 24 correct, sir? 25 A. No, not correct. Texas City had been --</p>	<p style="text-align: right;">Page 280</p> <p>1 Q. I didn't figure that. That came a little 2 further south. 3 A. Right. 4 Q. They didn't shut down then? 5 A. No. 6 Q. So all these hurricanes that came in the 7 Gulf and came toward and actually hit -- I think 8 Alicia actually hit Clear Lake -- it didn't shut 9 down? 10 A. No. 11 Q. Do you know why they didn't shut down? 12 A. Because they had steam. 13 Q. That's what I'm saying. But why did they 14 shut down in this case? 15 A. Well, because our contractual 16 arrangements with our combined heat and power 17 contractor provided that they shut down in the face 18 of a Cat 3 hurricane. 19 Q. Has that contract always been in place or 20 has it just been -- 21 A. Yes. 22 Q. Okay. So what about Alicia? 23 A. No, no, no, that was before. I mean, our 24 combined heat and power power station is a somewhat 25 modern facility. When Alicia came through, we had</p>
<p style="text-align: right;">Page 279</p> <p>1 had not been without steam and heat for at least 2 40 years, as we can determine. 3 Q. That's not what my question is. 4 A. And so -- so there is no way I can 5 forecast what would have happened to the steam 6 system if it had been subject to constant high 7 temperature for 40 years. When you take that heat 8 off, you're in new territory. 9 Q. All right. So you are saying in 40 years 10 it had never been shut down? 11 A. That's right. 12 Q. Okay. So when Alicia came, it wasn't 13 shut down? 14 A. No. 15 Q. That was a little hurricane we had. 16 A. Yeah, that's right. 17 Q. When Carla came, it didn't shut down? 18 A. (Nods head.) 19 Q. That's another little hurricane we had 20 here. 21 When Lily came, they didn't shut 22 down? 23 A. Who was that? 24 Q. Lily? 25 A. I didn't know about Lilly.</p>	<p style="text-align: right;">Page 281</p> <p>1 other arrangements for generating electricity and 2 steam. 3 Q. So y'all rebuilt the steam facility. 4 What else did y'all have to fix? 5 A. Well, we -- the only major issue we had 6 to do was -- was continue to work on the high 7 pressure hydrogen units to ensure that the 8 metallurgy was right, that there was no internal 9 corrosion. 10 And, of course, what we discovered 11 was that when units are down for quite a long time, 12 you get additional corrosion that you would not get 13 if the units were in operation. So that was -- 14 needed to be dealt with, and we dealt with that. 15 Q. Did y'all run anything to a flare while 16 you were -- while y'all were down? 17 Did y'all decide to run anything 18 into the flare like the ISOM or other things that 19 were going to a blowdown stack? 20 A. The ISOM was no longer operational. 21 Q. All right. Did y'all decide to -- did 22 you run any other units to a flare that were going 23 to a blowdown stack at Texas City at -- during 24 the -- 25 A. No.</p>

Page 282

1 Q. -- outage?  
 2 A. The whole place was --  
 3 MR. BROWN: Objection, form.  
 4 A. The whole place was dead, dark, cold, no  
 5 production.  
 6 Q. (BY MR. BOND) I understand that.  
 7 I'm talking about when y'all were  
 8 down fixing things and maintenance, did y'all  
 9 decide to take any -- to take that time to run  
 10 anything to a flare?  
 11 A. No.  
 12 Q. All right. This high pressure hydrogen  
 13 facility?  
 14 A. Yeah.  
 15 Q. There was an explosion that occurred, I  
 16 think, around August?  
 17 A. That's right.  
 18 Q. And is that where that occurred?  
 19 A. I think it was July actually.  
 20 Q. July.  
 21 Is that where this occurred?  
 22 A. Yes.  
 23 Q. Okay. So the reason you shut that down  
 24 because there was another explosion following this  
 25 explosion in this area, correct, sir?

Page 283

1 A. It was a leak.  
 2 Q. A leak that caused an explosion?  
 3 A. The two units you're referring to are the  
 4 resid hydrocracker unit, the RHU --  
 5 Q. Uh-huh.  
 6 A. -- and the other one was the CAT feed  
 7 hydro -- hydrotreater, the CFHU.  
 8 Q. Okay.  
 9 A. Both of which are in high pressure  
 10 hydrogen service. And so we -- I decided that we  
 11 may have a systemic problem on those units in  
 12 similar service. So we shut them all down.  
 13 Q. Okay. And that was, again, an escape  
 14 of -- a substantial escape of hydrocarbon --  
 15 A. The CAT feed hydrotreater was an escape  
 16 of hydrocarbon, yeah.  
 17 Q. Okay. And you shut those facilities  
 18 down?  
 19 A. Yes.  
 20 Q. Okay. And you say systemic. Was that  
 21 because of what happened in March or just what  
 22 happened in --  
 23 A. No, no, no. It was -- it was just we  
 24 had a -- I had a concern about the -- about the  
 25 integrity of the metallurgy in these units; and

Page 284

1 therefore, I took the precaution of ensuring that  
 2 no unit with, you know, a lot of hydrogen and  
 3 pressure in them were left running.  
 4 Q. Have you ever done that before?  
 5 A. No.  
 6 Q. I am talking about shutting down a unit  
 7 like that or shutting down a plant like this?  
 8 A. Yes, I've shut down units before.  
 9 Q. I know, and I'm not talking about like  
 10 your normal turnaround.  
 11 A. No, no, no.  
 12 Q. You're talking about because it was  
 13 dangerous or --  
 14 A. Yeah.  
 15 Q. When was that?  
 16 A. Well, an example in Whiting many years  
 17 ago, I shut a coker down for -- for safety. In  
 18 Grangemouth...  
 19 I can't think of any.  
 20 Q. All right. Has anybody talked to you  
 21 about going up to Alaska now?  
 22 A. No.  
 23 Q. And checking out their facility up there  
 24 with --  
 25 A. No.

Page 285

1 Q. -- the oil?  
 2 A. Give me a break.  
 3 Q. Hey, I'm telling you, you seem to be the  
 4 man in charge when something blows up. I figured  
 5 you'd be heading on a plane. I figured that's  
 6 where you were going.  
 7 So nobody has talked to you -- has  
 8 anybody talked -- I know you say you don't know  
 9 where you're going or what you're going to do and  
 10 it's all personal.  
 11 Has anybody from BP talked to you  
 12 about what they feel your options are now, where  
 13 they plan on --  
 14 A. That's --  
 15 Q. -- letting you go?  
 16 A. No.  
 17 Q. So nobody has come up to you and said,  
 18 "Here's where" --  
 19 A. I am not going anytime anywhere soon.  
 20 Okay? So --  
 21 Q. So your plans --  
 22 A. My plans, my planning, my conversations  
 23 will happen at an appropriate time. They are not  
 24 happening right now. They shouldn't be happening  
 25 right now.

Page 286

1 Q. So nobody has come and talked to you now?  
 2 A. No. I'm busy at Texas City.  
 3 Q. That's not my question.  
 4 My question is: Has anybody from  
 5 BP --  
 6 A. No.  
 7 Q. Okay. Let me finish my question so I can  
 8 get it on the record.  
 9 My question is: Has anybody from  
 10 BP come to you and talked to you about your career  
 11 at BP, where they'd like you to go next?  
 12 A. No.  
 13 Q. Okay. See, that wasn't that bad.  
 14 A. Got it.  
 15 Q. You had mentioned before that -- you said  
 16 that there was a lot of fires at the Texas City  
 17 refinery. Was that before you got there or after  
 18 you got there?  
 19 A. No, I am referring to my time at  
 20 Texas City. Let me just put down context, if I  
 21 may.  
 22 Q. I just want to know: Were you referring  
 23 to before -- before --  
 24 A. No, after.  
 25 MR. BROWN: Objection, form.

Page 287

1 Q. (BY MR. BOND) After?  
 2 A. I've got 18 million manhours working in  
 3 this plant. The average American refinery is  
 4 probably 3 to 4 million manhours a year. A lot of  
 5 that work is welding, reconstruction, taking out  
 6 pieces of pipe, putting new pieces of pipe in. And  
 7 you get little flash fires from -- from welding;  
 8 but these are on units that are not in production.  
 9 Q. And you know --  
 10 MR. LINEBAUGH: Objection,  
 11 nonresponsive.  
 12 A. So there's not -- there's not any loss of  
 13 containment associated with these fires.  
 14 Q. (BY MR. BOND) When I was in the Navy I  
 15 was on the big ships and small ships, all kinds  
 16 ships and you know a fire by any name is still a  
 17 fire.  
 18 And I don't care how many men or  
 19 how many hours you've got going, that's not  
 20 something you want, correct, sir?  
 21 A. That's what we --  
 22 MR. BROWN: Objection, form.  
 23 Q. (BY MR. BOND) Okay?  
 24 A. We record them all as fires.  
 25 Q. All right. And I don't care how many

Page 288

1 manhours are working out there, you don't want a  
 2 fire at your facility, period, right?  
 3 A. That's correct.  
 4 Q. And you should take steps -- because  
 5 you've got 10,000,000 hours or 18,000,000 hours or  
 6 what have you -- to make sure that you have enough  
 7 safety hours -- safety manhours to make sure  
 8 there's no fires, correct, sir?  
 9 A. Yes.  
 10 MR. BROWN: Objection, form.  
 11 Q. (BY MR. BOND) Okay. And one fire, sir,  
 12 is too many fires, correct, sir?  
 13 A. Well, and so you say.  
 14 Q. Wouldn't you agree with me?  
 15 MR. BROWN: Objection, form.  
 16 A. What we've got is a comprehensive program  
 17 to record and learn from fires.  
 18 Q. (BY MR. BOND) And you don't want them  
 19 out there at --  
 20 A. It is --  
 21 Q. -- your facility?  
 22 A. It is absolutely up, transparent, clear,  
 23 recorded; and we work to ensure that we are in  
 24 control of those issues.  
 25 Q. Okay. But you don't want any fires at

Page 289

1 your facility?  
 2 A. No.  
 3 Q. Okay.  
 4 A. Of course not.  
 5 Q. I was just making sure.  
 6 MR. BOND: I think that's all the  
 7 questions I have for right now. I'm going to pass  
 8 the witness.  
 9 MR. BROWN: Does anybody else have  
 10 questions?  
 11 MR. LINEBAUGH: I've got a few.  
 12 MR. BROWN: Well --  
 13 THE WITNESS: How we doing? We've  
 14 got 7 minutes?  
 15 MR. BROWN: Hold on. Hold on.  
 16 Just so you understand, Dan, we had a firm  
 17 agreement with the plaintiffs' committee that he  
 18 would be done by 3:00.  
 19 MR. LINEBAUGH: How are we doing  
 20 on time?  
 21 MR. BROWN: It's 2:53.  
 22 MR. LINEBAUGH: That's 7 minutes.  
 23 (Discussion off the record.)  
 24 THE VIDEOGRAPHER: All right.  
 25 Going off record at 2:52.

Page 290

1 (Recess taken.)  
 2 (Exhibit Number 778 marked for  
 3 identification.)  
 4 THE VIDEOGRAPHER: All right.  
 5 This is Tape 6. Going back on record at 2:54.  
 6 \* \* \*  
 7 EXAMINATION  
 8 Q. (BY MR. LINEBAUGH) Mr. Maclean, my name  
 9 is Dan Linebaugh. I'm an attorney from Baytown,  
 10 and I represent a number of families who had  
 11 someone working there that were injured in this  
 12 incident.  
 13 You understand that, sir?  
 14 A. Yes.  
 15 Q. All right. Let me just ask you a few  
 16 questions, if I may.  
 17 You mentioned a little bit ago  
 18 something about there is more corrosion -- there  
 19 tends to be more corrosion when the plant is shut  
 20 down. Why is that?  
 21 A. Because fluids lie in low parts of  
 22 exchangers and so forth and can tend to be  
 23 corrosive.  
 24 Q. Typically the water may settle out of the  
 25 product in --

Page 291

1 A. It could be water, it could --  
 2 Q. -- to the bottom?  
 3 A. -- be biological, it could be aggressive  
 4 acids, it could be anything.  
 5 Q. Now, I take it that y'all deal with a lot  
 6 of piping and pipelines and that can be a potential  
 7 problem, right?  
 8 A. Yeah.  
 9 Q. What are some of the ways to monitor a  
 10 pipeline for internal corrosion?  
 11 A. Well, the external non-invasion --  
 12 non-invasive way is to constantly X ray.  
 13 You should know that our  
 14 inspection workforce is about 120 full-time  
 15 professional engineering inspectors. There is a  
 16 constant program in place to ensure that we not  
 17 only can determine what is corroded, but we can  
 18 start forecasting when stuff is likely to become  
 19 corroded.  
 20 Q. It's true, is it not, that there are ways  
 21 to monitor for corrosion, whether it's internal  
 22 corrosion or external corrosion, correct?  
 23 A. Yes.  
 24 Q. "Yes"?  
 25 A. Yes.

Page 292

1 Q. And it's also true with regard to  
 2 pipelines, correct?  
 3 A. Yes.  
 4 Q. And corrosion is not a fast process  
 5 typically, is it?  
 6 A. It can be.  
 7 Q. It can be, but also if you are monitoring  
 8 and diligent, you can pick that up, right?  
 9 A. Certainly --  
 10 MR. BROWN: Objection, form.  
 11 Q. (BY MR. LINEBAUGH) Certainly, right?  
 12 A. Certain types of corrosion you would  
 13 monitor for and expect that it has a life cycle  
 14 that you can forecast.  
 15 Q. Sure.  
 16 And if it's down inside the  
 17 pipeline, you can check through things like smart  
 18 pigs, right?  
 19 A. Not in refining you can't.  
 20 Q. No.  
 21 In a pipeline you can, though,  
 22 right?  
 23 A. Apparently so. I mean, that's not a  
 24 technology I'm familiar with.  
 25 Q. You mentioned earlier pigging. You

Page 293

1 understand about pigging, don't you?  
 2 A. Yes, I do.  
 3 Q. What is pigging?  
 4 A. Well, pigging is when you -- you've got a  
 5 loop in the pipeline, you put a pig in there and  
 6 use it to clean -- mostly clean the inside of a  
 7 pipeline.  
 8 Q. Yeah.  
 9 A pig is something that goes  
 10 inside of a pipeline and travels along the inside  
 11 of the pipeline and can sweep out the sediment and  
 12 so forth, right?  
 13 A. Yes.  
 14 Q. There's also a smart pig. Do you know  
 15 what a "smart pig" is?  
 16 A. Yes.  
 17 Q. What's a smart pig?  
 18 A. Well, it's a pig which reads the various  
 19 things like the inside diameter of the pipeline and  
 20 what's going on in the -- in the structure of the  
 21 metal and so forth.  
 22 Q. Sure.  
 23 And there's other things to  
 24 monitor for corrosion on a pipeline, too, correct?  
 25 A. I'm not familiar with that.

Page 294

1 Q. Heard of "couponing"? Do you know what  
 2 that is?  
 3 A. Sorry?  
 4 Q. Do you know what a "couponing" is? Do  
 5 you know how to coupon the pipe?  
 6 A. No.  
 7 Q. You don't know what that is?  
 8 A. No.  
 9 Q. Okay. Do you know of any probes or  
 10 monitors to test for corrosion?  
 11 A. I'm not terribly familiar with --  
 12 MR. BROWN: Objection, form.  
 13 A. -- that technology.  
 14 Q. (BY MR. LINEBAUGH) Not too much?  
 15 Okay. Would it be fair to say,  
 16 though, that typically speaking there are ways to  
 17 monitor, check and test for corrosion?  
 18 A. Yes.  
 19 Q. Okay. And would you agree with me that  
 20 if one is letting a pipeline corrode and it results  
 21 in a rupture, that one has not necessarily been a  
 22 good steward of looking after their equipment?  
 23 MR. BROWN: Objection, form.  
 24 A. I am not sure about stewardship. I  
 25 think, you know, that something has been missed.

Page 295

1 Q. (BY MR. LINEBAUGH) Certainly --  
 2 A. Whether that reflects on stewardship or  
 3 not is a good question.  
 4 Q. Certainly a pipeline should not corrode  
 5 to the point and be -- and go on unmonitored to the  
 6 point that it ruptures?  
 7 A. Which pipeline are you speaking about  
 8 here?  
 9 Q. Any pipeline, a cross-country pipeline.  
 10 You wouldn't want -- if you were  
 11 operating a plant or a petrochemical company, you  
 12 wouldn't want a pipeline to corrode to the point  
 13 that it ruptures, would you?  
 14 A. I don't have any cross-country pipelines.  
 15 Q. Okay. But would you agree with me, if  
 16 you were operating a pipeline, you would want to  
 17 watch it and make sure it doesn't corrode and  
 18 rupture?  
 19 A. Theoretically, yeah.  
 20 Q. Yes, of course.  
 21 And would you agree with me that  
 22 if someone had done that, they would be running  
 23 their equipment to failure?  
 24 MR. BROWN: Objection, form.  
 25 A. I can't -- I mean, I'm -- I'm kind of up

Page 296

1 in the air here. I don't know what you are talking  
 2 about.  
 3 Q. (BY MR. LINEBAUGH) Okay. Well, would it  
 4 be -- would you think it would be an example of  
 5 running equipment to failure if you simply let a  
 6 pipeline corrode, cross-country pipeline corrode to  
 7 the point that it ruptures?  
 8 MR. BROWN: Objection. He's  
 9 already said he doesn't have any knowledge about --  
 10 A. I don't know.  
 11 MR. BROWN: -- cross-country --  
 12 A. I don't know anything about cross-country  
 13 pipelines.  
 14 Q. (BY MR. LINEBAUGH) Okay. Well, earlier  
 15 you were telling us about what you have read in  
 16 The New York Times about the -- how do you -- how  
 17 do you pronounce it -- the Prudhoe Bay?  
 18 A. Uh-huh.  
 19 Q. Do you know that pipeline?  
 20 A. What, the Alaska pipeline?  
 21 Q. Yes, sir.  
 22 A. It runs from Prudhoe Bay to Valdez.  
 23 Q. Yeah.  
 24 That's a BP pipeline, isn't it?  
 25 A. BP operated pipeline.

Page 297

1 Q. And do you understand that it recently  
 2 ruptured?  
 3 A. No, that one did not rupture.  
 4 Q. Okay. Which one was it that ruptured?  
 5 A. The infield pipeline.  
 6 Q. Sorry?  
 7 A. One of the infield pipelines.  
 8 Q. One of the infield pipelines?  
 9 A. Yeah.  
 10 Q. And when did that rupture take place?  
 11 A. I've got no idea.  
 12 Q. Okay. Do you understand, from what  
 13 you've heard about that, that that rupture took  
 14 place relatively recently?  
 15 A. Yes.  
 16 Q. And do you understand --  
 17 MR. BROWN: Objection, form.  
 18 Q. (BY MR. LINEBAUGH) -- that that rupture  
 19 took place because of corrosion?  
 20 A. I have no idea why it took place. It's  
 21 not my business unit, and it's not my business.  
 22 Q. Well, I think earlier you shared with us  
 23 that you read about it in The New York Times,  
 24 right?  
 25 A. Yeah. The New York Times let me know

Page 298

1 where it was; but then, you know, that's their  
 2 opinion.  
 3 Q. Sure.  
 4 And did they talk about corrosion  
 5 in there?  
 6 A. They mentioned the word "corrosion,"  
 7 yeah.  
 8 Q. Sure.  
 9 And would that be an example of  
 10 running equipment to failure?  
 11 MR. BROWN: Objection, form.  
 12 A. I can't comment.  
 13 Q. (BY MR. LINEBAUGH) I'm sure I would have  
 14 a lot more questions for you, sir, if I had a  
 15 little more time.  
 16 A. Okay.  
 17 MR. LINEBAUGH: With that, we will  
 18 pass the witness.  
 19 THE WITNESS: Thank you.  
 20 MR. BROWN: Okay. Just --  
 21 MR. CANSLER: One follow-up for  
 22 Mr. Coon. He's kind of the office -- or out of the  
 23 thing, can we ask two -- one minute worth of  
 24 questions?  
 25 MR. BROWN: No. Well, for

Page 299

1 35 seconds.  
 2 MR. CANSLER: You got it.  
 3 \* \* \*  
 4 EXAMINATION  
 5 Q. (BY MR. CANSLER) Now, you shut down the  
 6 Whiting facility; is that correct?  
 7 A. I shut --  
 8 MR. BROWN: Objection, form.  
 9 A. No. I did not, no.  
 10 Q. (BY MR. CANSLER) What was it that you  
 11 were telling Mr. Bond in regards to shutting down  
 12 parts of the unit, not in a regular turnaround; but  
 13 you saw a safety concern and shut down that unit?  
 14 A. Yeah.  
 15 Q. How did you -- what did you have to do to  
 16 do that?  
 17 A. I just advised the operating manager to  
 18 shut it down.  
 19 Q. Okay. You didn't have to go up the  
 20 chain. You had that ability and that would have  
 21 been the same ability that Mr. Parus had previous  
 22 to this accident; is that correct, sir?  
 23 A. I guess so, yeah.  
 24 MR. CANSLER: No further  
 25 questions.

Page 300

1 MR. BROWN: Just briefly for the  
 2 record, Mr. Coon referenced a request for a  
 3 document. It was the findings of a recent survey  
 4 at the BP Texas City site. It was produced  
 5 already; but just to avoid any confusion, I will go  
 6 ahead and get this marked as exhibit number next.  
 7 THE REPORTER: 779.  
 8 (Exhibit Number 779 marked for  
 9 identification.)  
 10 MR. CANSLER: And that's -- I'm  
 11 sorry, that's BPISOM number, just for purposes of  
 12 the record?  
 13 MR. BROWN: It's BP -- BPISOM  
 14 Number 00444140.  
 15 MR. CANSLER: And that's through  
 16 00444184?  
 17 MR. BROWN: Correct.  
 18 MR. CANSLER: Thank you.  
 19 MR. BROWN: We will reserve the  
 20 balance of our questions until the time of trial.  
 21 THE VIDEOGRAPHER: This concludes  
 22 the deposition at 3:01.  
 23 (Deposition concluded.)  
 24  
 25

Page 301

1 EXAMINATION  
 2 CHANGES AND SIGNATURE  
 3 PAGE LINE CHANGE REASON  
 4 \_\_\_\_\_  
 5 \_\_\_\_\_  
 6 \_\_\_\_\_  
 7 \_\_\_\_\_  
 8 \_\_\_\_\_  
 9 \_\_\_\_\_  
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 21 \_\_\_\_\_  
 22 \_\_\_\_\_  
 23 \_\_\_\_\_  
 24 \_\_\_\_\_  
 25 COLIN MACLEAN

Page 302

1 I, COLIN MACLEAN, have read the foregoing  
 2 deposition and hereby affix my signature that same is  
 3 true and correct, except as noted above.  
 4

\_\_\_\_\_  
 5 COLIN MACLEAN  
 6

THE STATE OF \_\_\_\_\_ )  
 7  
 COUNTY OF \_\_\_\_\_ )  
 8

9 Before me, \_\_\_\_\_, on this day  
 10 personally appeared COLIN MACLEAN, known to me or  
 11 proved to me on the oath of \_\_\_\_\_ or through  
 12 \_\_\_\_\_ (description of identity card or other  
 13 document) to be the person whose name is subscribed  
 14 to the foregoing instrument and acknowledged to me  
 15 that he/she executed the same for the purpose and  
 16 consideration therein expressed.  
 17 Given under my hand and seal of office on this  
 18 \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.  
 19  
 20  
 21 style="text-align: center;">\_\_\_\_\_  
 NOTARY PUBLIC IN AND FOR  
 THE STATE OF \_\_\_\_\_  
 22

My Commission Expires: \_\_\_\_\_  
 23  
 24  
 25

Page 303

1 CAUSE NO. 05CV0337  
 2 MIGUEL ARENAZAS, ELIZABETH) IN THE DISTRICT COURT  
 3 RAMON, DAVID G. CROW and )  
 4 JUANITA G. CROW, et al. )  
 )  
 4 VS. ) 212TH JUDICIAL DISTRICT  
 )  
 5 BP PRODUCTS NORTH AMERICA )  
 INC., B.P. CORPORATION )  
 6 NORTH AMERICA INC., DON )  
 PARUS, AND JE MERIT )  
 7 CONSTRUCTORS, INC. ) GALVESTON COUNTY, TEXAS  
 8 CAUSE NO. 05CV0337-A  
 9 IN RE: BP AMOCO EXPLOSION ) IN THE DISTRICT COURT  
 MARCH 23, 2005 )  
 10 COORDINATED DISCOVERY ) 212TH JUDICIAL DISTRICT  
 PROCEEDINGS )  
 11 ) GALVESTON COUNTY, TEXAS  
 12 REPORTER'S CERTIFICATE  
 ORAL VIDEOTAPED DEPOSITION OF  
 13 COLIN MACLEAN  
 SEPTEMBER 12, 2006  
 14

15 I, Stephanie Barringer, Certified Shorthand  
 Reporter in and for the State of Texas, hereby  
 certify to the following:  
 16

17 That the witness, COLIN MACLEAN, was duly sworn  
 and that the transcript of the deposition is a true  
 record of the testimony given by the witness;  
 18

19 That the deposition transcript was duly  
 submitted on \_\_\_\_\_ to the witness or to the  
 attorney for the witness for examination, signature,  
 20 and return to me by \_\_\_\_\_.

21 That the following is the computer-calculated  
 amount of time used by each party at the time of the  
 22 deposition:  
 23 Mr. Coon (3 hours, 21 minutes)  
 Mr. Buzbee (39 minutes)  
 24 Mr. Bond (28 minutes)  
 Mr. Linebaugh (6 minutes)  
 25 Attorneys for Plaintiffs

Page 304

1  
 2 That pursuant to information given to the  
 3 deposition officer at the time said testimony was  
 taken, the following includes the parties at the  
 deposition:  
 4

5 FOR PLAINTIFFS JAIME ANDREADE, ET AL.:  
 6 Mr. Brent Coon  
 Mr. Larry Sarten  
 7 Mr. Jason Cansler  
 Brent Coon & Associates  
 8 3550 Fannin  
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 9 Fax: 409-833-4483  
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Page 305

1 APPEARANCES  
 (Continued)  
 2  
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Page 306

1 APPEARANCES  
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 12 - and -  
 13 Mr. Kenneth Tekell  
 14 Tekell, Book, Matthews  
 15 & Limmer, L.L.P.  
 16 1221 Mckinney, Suite 4300  
 17 Houston, TX 77010  
 18 Fax: 713-655-7727  
 19 Telephone: 713-222-9542  
 20  
 21 That a copy of this certificate was served on  
 22 all parties shown herein on \_\_\_\_\_ and  
 23 filed with the Clerk.  
 24 I further certify that I am neither counsel for,  
 25 related to, nor employed by any of the parties in the  
 action in which this proceeding was taken, and  
 further that I am not financially or otherwise  
 interested in the outcome of this action.  
 Further certification requirements pursuant to  
 Rule 203 of the Texas Code of Civil Procedure will be  
 complied with after they have occurred.

Page 307

1  
 2 Certified to by me on this \_\_\_\_\_ day of  
 3 \_\_\_\_\_,  
 4 \_\_\_\_\_.  
 5  
 6  
 7  
 8 \_\_\_\_\_  
 9 Stephanie Barringer, CSR  
 10 Texas CSR 6198  
 11 Expiration: 12/31/06  
 12 U.S. Legal Support  
 13 Firm Registration: 122  
 14 519 N. Sam Houston Pkwy., Ste. 200  
 15 Houston, Texas 77060  
 16 Main number: 713/653-7100  
 17 Fax number: 713/653-7143  
 18  
 19  
 20  
 21  
 22  
 23  
 24  
 25

AUTHENTICATED E-Transcript  
 The original was electronically signed  
 file was created using RealLegal technology.

Page 308

1 FURTHER CERTIFICATION UNDER TRCP RULE 203  
 2  
 3 The original deposition was/was not returned to  
 4 the deposition officer on \_\_\_\_\_.  
 5 If returned, the attached Changes and Signature  
 6 page(s) contain(s) any changes and the reasons  
 7 therefor.  
 8 If returned, the original deposition was  
 9 delivered to Mr. Brent Coon at Brent Coon &  
 10 Associates as the custodial attorney.  
 11 \$\_\_\_\_\_ is the deposition officer's  
 12 charges to the Plaintiffs for preparing the original  
 13 deposition and any copies of exhibits;  
 14 The deposition was delivered in accordance with  
 15 Rule 203.3, and a copy of this certificate, served on  
 16 all parties shown herein, was filed with the Clerk.  
 17 Certified to by me on this \_\_\_\_\_ day of  
 18 \_\_\_\_\_,  
 19 \_\_\_\_\_.  
 20  
 21 \_\_\_\_\_  
 22 Stephanie Barringer, CSR  
 23 Texas CSR 6198  
 24 Expiration: 12/31/06  
 25 U.S. Legal Support  
 Firm Registration: 122  
 519 N. Sam Houston Pkwy., Ste. 200  
 Houston, Texas 77060  
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 Fax number: 713/653-7143